United Nations S/2007/34

Security Council

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24 January 2007

Original: English

Letter dated 22 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith, in English and French, a copy of the communiqué adopted by the 69th meeting of the Peace and Security Council of the African Union, held in Addis Ababa on 19 January 2007, on the situation in Somalia (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Pascal **Gayama**
Ambassador
Deputy Permanent Representative
Representative of the current Chairman of the African Union

07-21965 (E) 250107

Annex to the letter dated 22 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the 69th meeting of the Peace and Security Council

The Peace and Security Council of the African Union, at its 69th meeting held on 19 January 2007, adopted the following decision on the situation in Somalia and the deployment of an AU peace support mission in that country:

Council,

1. **Takes** note of the Report of the Chairperson of the Commission on the situation in Somalia [PSC/PR/2(LXIX)] and the recommendations made by the Military Staff Committee on the proposed deployment of an African Union Mission in Somalia (AMISOM);

2. **Welcomes** the outcome of the AU technical evaluation mission that undertook, from 13 to 15 January 2007, consultations in Mogadishu with the Transitional Federal Government (TFG) of Somalia on the planned deployment of a peace support mission in that country;

3. **Recalls** its previous decisions on the deployment of a peace support mission in Somalia as well as resolution 1725 (2006) adopted by the UN Security Council on 6 December 2006, regarding the deployment of a peace support mission in Somalia and the modification effected on the arms embargo imposed on Somalia by resolution 733 (1992), to facilitate the deployment of such a mission;

4. **Reiterates** its commitment to the unity, sovereignty and the territorial integrity of Somalia;

5. **Reiterates** its conviction that, following the recent developments that have enabled the TFG to take over Mogadishu and take control of the country, there exists today a unique and unprecedented opportunity to restore structures of governance in Somalia and bring about lasting peace and reconciliation, which the Somali people, their leaders and the international community as a whole should seize;

6. **Stresses** the need on the part of the Transitional Federal Institutions (TFIs) to embark on an all-inclusive and genuine process of dialogue and reconciliation within the framework of the Transitional Federal Charter. Council **welcomes** the stated commitment of the leaders of the TFG to dialogue and reconciliation, and **encourages** the TFG to pursue its ongoing efforts with a view to reaching out to all segments of the population. Council also **encourages** the Chairperson of the Commission to take all necessary steps to assist this process and to ensure that the AU plays a leading role in this respect;

7. **Further stresses** the critical role of the countries of the region in the overall efforts aimed at bringing about lasting peace and reconciliation in Somalia and strongly **appeals** to them to demonstrate the necessary cohesion in support of the TFIs and their efforts;

8. **Decides** to authorize the deployment of AMISOM, for a period of 6 months, starting from the date of this decision, with the mandate (i) to provide support to the TFIs in their efforts towards the stabilization

of the situation in the country and the furtherance of dialogue and reconciliation, (ii) to facilitate the provision of humanitarian assistance, and (iii) to create conducive conditions for long-term stabilization, reconstruction and development in Somalia. In this respect, AMISOM, which shall be adequately equipped to project the appropriate posture, shall undertake the following tasks:

- to support dialogue and reconciliation in Somalia, working with all stakeholders,
- to provide, as appropriate, protection to the TFIs and their key infrastructure, to enable them carry out their functions,
- to assist in the implementation of the National Security and Stabilization Plan of Somalia, particularly the effective reestablishment and training of all inclusive Somali security forces, bearing in mind the programs already being implemented by some of Somalia's bilateral and multilateral partners,
- to provide, within capabilities and as appropriate, technical and other support to the disarmament and stabilization efforts,
- to monitor, in areas of deployment of its forces, the security situation,
- to facilitate, as may be required and within capabilities, humanitarian operations, including the repatriation and reintegration of refugees and the resettlement of IDPs, and
- to protect its personnel, installations and equipment, including the right of self-defense;

9. **Further decides** that:

- AMISOM shall comprise 9 infantry battalions of 850 personnel each supported by maritime coastal and air components, as well as an appropriate civilian component, including a police training team,
- the initial deployment shall involve at least 3 infantry battalions, with adequate arrangements for additional battalions to follow quickly,
- AMISOM shall be deployed for a period of six (6) months, aimed essentially at contributing to the initial stabilization phase in Somalia, with a clear understanding that the mission will evolve to a United Nations operation that will support the long term stabilization and post-conflict reconstruction of Somalia.
- the concept of logistic support for AMISOM shall be based on self-sustenance by the Troop Contributing Countries (TCCs), based on the model of the African Union Mission in Burundi (AMIB). The Commission shall mobilize logistical support for the TCCs, as well as funding from AU members states and partners to ensure that TCCs are reimbursed for the costs incurred in the course of their deployment, based on AU practice;

10. **Welcomes** the steps being taken by the Commission to convene a meeting that will bring together military and security experts of the AU, the TCCs, the TFG and IGAD, with the support of the United Nations and other stakeholders, to develop a detailed operation plan, as well as a meeting that will involve the TCCs, on the one hand, the AU member states and partners willing to provide technical, logistical and financial support, on the other;

11. **Urges** member states to provide military and other personnel, equipment and services that will be required for the successful deployment of AMISOM;

12. **Appeals** to AU member states, the League of Arab States, the European Union and its member states, the United Nations, as well as other AU partners, to urgently provide, in a predictable and coordinated manner, the required financial, technical and logistical support to facilitate the deployment of AMISOM as soon as possible;

13. **Requests** the United Nations and its Security Council to provide all the support necessary for the speedy deployment of AMISOM and the effective accomplishment of its mandate, including the review of resolution 1725 in light of the recent developments in Somalia and the provision of financial support, bearing in mind that in deploying a mission in Somalia the African Union is acting on behalf of the entire international community.;

14. **Stresses** that the long term stabilization and post-conflict reconstruction of Somalia will require the strong involvement of the United Nations. In this respect, Council **urges** the United Nations Security Council to consider authorizing a United Nations operation in Somalia that would take over from AMISOM at the expiration of its 6 months mandate;

15. **Requests** the Chairperson of the Commission to follow up on all aspects of this decision and report to it regularly. Council **further requests** the Chairperson of the Commission to maintain close liaison with IGAD, the League of Arab States, the United Nations, as well as other stakeholders, to ensure effective and coordinated support for the efforts to sustain peace and reconciliation in Somalia;

16. **Decides** to remain seized of the matter.

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Security Council

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24 January 2007

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General Assembly
Sixty-first session
Agenda item 14
Question of Palestine

Security Council
Sixty-second year

Letter dated 23 January 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to enclose herewith the statement of the Coordinating Bureau of the Non-Aligned Movement reiterating support for the establishment of an independent and sovereign Palestinian State based on the 1967 borders, with East Jerusalem as its capital, and supporting the Palestinian struggle and their leadership in rejecting the so-called Palestinian State with provisional borders (see annex).

Furthermore, I formally request that the aforementioned document be circulated as a document of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Permanent Representative of Cuba to the United Nations
Chair of the Coordinating Bureau of the Non-Aligned Movement

07-22027 (E) 250107

Annex to the letter dated 23 January 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement of the Coordinating Bureau of the Non-Aligned Movement reiterating support for the establishment of an independent and sovereign Palestinian State based on the 1967 borders, with East Jerusalem as its capital, and supporting the Palestinian people and their leadership in rejecting the so-called Palestinian State with provisional borders

The Coordinating Bureau of the Non-Aligned Movement reaffirms its support for President Mahmoud Abbas, the President of the Palestinian National Authority and the Chairman of the Executive Committee of the Palestine Liberation Organization, in his rejection to a so-called Palestinian State with provisional borders. This so-called provisional State would in essence only be an entity under the domain and control of Israel as the occupying Power rather than a sovereign and independent State. The Bureau rejects attempts to alter the terms of reference of the peace process and further rejects the imposition of unilateral measures and plans aimed at imposing an unlawful unilateral solution by Israel, the occupying Power. In this regard, the Bureau also condemns the plans by the Israeli government to build a new illegal settlement in the Jordan Valley and its expansion of the illegal settlement of "Maale Adumim" in Occupied East Jerusalem in violation of international law, United Nations resolutions and the Road Map. The Bureau stresses the need for a resumption of direct and substantial negotiations between the parties for the achievement of a comprehensive, just and lasting peaceful settlement to the question of Palestine, based on the relevant United Nations resolutions and in accordance with the rules and principles of international law enshrined therein. In this regard, the Bureau reiterates the necessity and urgency of ending the prolonged and unlawful Israeli occupation of all of the Arab territories occupied since 1967. The Bureau further reaffirms its long-standing position in support of the establishment of the independent State of Palestine in all of the Palestinian Territory occupied by Israel in 1967, including East Jerusalem as its capital.

The Coordinating Bureau of the Non-Aligned Movement reiterates its support for this position to be strongly expressed by President Abbas in the upcoming summit that will take place between Israel, Palestine and the United States of America. The Bureau calls for efforts at the Summit to focus on the "end game", in which Israel's occupation would be brought to a complete end to allow for the establishment of an independent Palestinian State based on the 1967 borders, with East Jerusalem as its capital, in accordance with relevant United Nations resolutions, the Road Map as well as the Arab Peace Initiative.

The Coordinating Bureau of the Non-Aligned Movement demands that Israel, the occupying Power, immediately cease all of its violations of international law, including international humanitarian law and human rights law. The Bureau expresses its deep regret that the Israeli government has continued to intensify its aggression against the Palestinian people throughout the Occupied Palestinian Territory rather than heeding to the calls made by the international community to extend the ceasefire to the rest of the Occupied Palestinian Territory, including East

Jerusalem. The Bureau reflected upon the recent military incursion by Israeli occupying forces, in which at least four Palestinians were killed and 25 injured in Ramallah on 4 January 2007. In this regard, the Bureau expresses its disappointment that efforts by the members of the Movement in the Security Council to address this serious issue were obstructed for well-known reasons, thus preventing the Council from discharging its responsibilities under the Charter of the United Nations.

New York, 22 January 2007

United Nations S/2007/36

Security Council

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24 January 2007
English
Original: French

Letter dated 23 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council

I write to you on behalf of the Permanent Representative of France in his capacity as Chairman of the Security Council Working Group on children and armed conflict established by resolution 1612 (2005).

At its fourth meeting, on 26 June 2006, the Working Group reviewed the situation of children in the Democratic Republic of the Congo (DRC). On this basis, it adopted a set of conclusions at its fifth meeting, on 6 September 2006, and in particular approved the sending of letters by the President of the Security Council to the authorities of DRC, the Government of Rwanda and the President of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

In accordance with the seventh recommendation of the Working Group endorsed by the Security Council (see document S/2006/724), I draw your attention to the need, while re-examining the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) prior to 15 February 2007 in accordance with Security Council resolution 1711 (2006), to preserve and strengthen the framework in place for the protection of children, including MONUC's capacity to protect girls from rape and other forms of gender-based violence.

I should be grateful if you would have this letter on the implementation of conclusions with respect to the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo published as a document of the Security Council.

(*Signed*) Jean-Pierre **Lacroix**
Chargé d'affaires a.i.

07-22071 (E) 250107 250107

United Nations A/ES-10/377–S/2007/37

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-second year

Identical letters dated 24 January 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Amidst the positive statements about the need to revive the peace process and reach a just and lasting solution to the Palestinian-Israeli conflict, based on the road map and the two-State vision, Israel, the occupying Power continues to take steps that hamper any progress towards achieving this noble goal. Additionally, declarations of what appear to be goodwill measures on the part of the occupying Power have been exposed to be hollow statements. Allow me here to point to the admission of the Israeli occupying forces that their claim of removing 44 roadblocks in the West Bank earlier this month were false because these roadblocks either didn't exist or were nothing more than mere dirt piles that had been removed earlier, mostly by the Palestinians themselves.

Special attention should be afforded to 10 year-old Abir Arameen, who was killed by Israeli occupying forces in Anata, near Occupied East Jerusalem. Abir is the 955th Palestinian child under the age of 18 to be killed by the Israeli occupying forces since September 2000. She was one of many Palestinian schoolchildren protesting against the construction of the illegal Israeli Separation Wall on 16 January 2007, who were attacked mercilessly by Israeli occupying forces with rubber bullets and stunt grenades. Abir died because of a skull fracture caused by a fragment from the stunt grenade thrown into the children's midst. Her death, along with that of 17 year-old Muhran Abu Al-Masir, who was killed at dawn on 24 January 2007 by Israeli occupying forces in the central Gaza Strip, are the latest examples of the utter Israeli disdain towards the worth of Palestinian lives manifested in the aggressive actions of the occupying forces.

In line with its policy of disdain towards international law and international humanitarian law, Israel, the occupying Power, in addition to its illegal settlement activities, continues to protect armed Israeli settlers in the West Bank, even while

07-22105 (E) 260107

they attack Palestinians and desecrate their cemeteries. The latest such incident took place on 23 January 2007, when armed Israeli settlers, under the watchful eyes of the Israeli soldiers, attacked the village of Oarta, south of Nablus City, which is surrounded by a number of illegal settlements, including Itamar, destroying Palestinians' cars and homes and desecrating 14 graves in the village's cemetery.

Israel, the occupying Power, has also been waging an unwavering campaign of wide-scale arrests in the West Bank, including the arrest of Mr. Hatem Abdel Qader, former Member of the Palestinian Legislative Council, in Jerusalem, and Sheikh Tayssir Al-Tamimi, Islamic Chief Judge and Head of the Supreme Council of Islamic Judiciary. Sheikh Al-Tamimi was illegally arrested by the Israeli occupying forces and accused of praying in the Holy Al-Aqsa Mosque Compound without a "proper permit" and inciting against the Israeli occupation. Bearing in mind that the Israeli occupying authorities continue to deny Muslim and Christian Palestinians from their basic human right of free access to religious sites, especially in East Jerusalem.

In addition to the arrest campaign, Israel, the occupying Power, has continued its illegal measures to change the cultural and demographic character of Occupied East Jerusalem, in a clear effort to change facts on the ground and pre-empt any final status negotiations on the occupied city. For example, the Al-Aqsa Compound is once again in danger from the continued illegal excavations by Israeli authorities under the compound. Additionally, Israeli occupation authorities have authorized a group of illegal Israeli settlers to erect a Jewish synagogue on illegally confiscated Islamic Waqf land, a mere 50 metres away from the Holy Al-Aqsa Mosque Compound. This is the first such permit since Israel occupied East Jerusalem in 1967. In this regard, the planned illegal construction in Occupied East Jerusalem should be addressed in the larger context of Israeli intransigence towards the legal status of the city and the colonial reality that it has imposed on East Jerusalemites, choking their neighbourhoods with a colonial belt that devours 35 per cent of the city and includes 70 separate illegal settlements.

Currently, Israel, the occupying Power, illegally detains approximately 10,000 Palestinians. They live in deplorable conditions and suffer from medical neglect and severe restrictions on their basic rights, including family visitations. On 16 January 2007, 37 year-old detainee Jamal Al-Saraheen died in the Israeli Negev prison from medical neglect by the Israeli detention authorities who wilfully delayed providing him with the medical attention he needed to survive. There are at least 150 Palestinian detainees currently suffering from life-threatening conditions, who continue to suffer from medical neglect and may face Al-Saraheen's fate if no one intervenes to protect their basic right to life.

The international community, in accordance with the rules and principles of international law, including international humanitarian law, has clear responsibilities in terms of ensuring the proper conduct of the occupying Power, including compliance with its legal obligations and commitments. Moreover, measures must be taken to prevent the further escalation of this Israeli military campaign and breaches of international law against the Palestinian civilian population which remains helpless and without any protection from the brute force of the occupying Power.

This letter is in follow-up to our previous 274 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since

28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 4 January 2007 (A/ES-10/376-S/2007/5) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

United Nations A/61/714–S/2007/38

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Security Council

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25 January 2007

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General Assembly
Sixty-first session
Agenda item 16
The situation in Afghanistan

Security Council
Sixty-second year

Letter dated 25 January 2007 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

With reference to the letter of 9 January 2007 from Rangin Dadfar Spanta, Minister for Foreign Affairs of the Islamic Republic of Afghanistan (A/61/695-S/2007/13, annex), I am directed by my Government to convey the following.

Pakistan is cooperating fully with Afghan and coalition forces to promote peace and security in Afghanistan. This is in Pakistan's vital interests also. Security in Afghanistan is threatened by the multiple threats from warlords, criminals, the drug mafia and intertribal rivalries as well as the resurgence of the Taliban. As the last report of the Secretary-General (A/61/326-S/2006/727) indicates, the main sources of the Taliban insurgency are within Afghanistan.

The Afghan Government and others have emphasized the need to prevent cross-border movement of Taliban and other militants. The 2,560-km international border between Afghanistan and Pakistan, traversing some of the most difficult mountainous terrain in the world, with the tribes straddling the border, is difficult to control.

To do so, Pakistan has taken several far-reaching measures. These include the deployment of over 80,000 troops, the establishment of 938 military posts along the international border with Afghanistan and direct military action against those elements in areas bordering Afghanistan who have been indulging in cross-border militancy. In the process more than 700 soldiers and officers of Pakistan's Armed Forces have lost their lives.

Pakistan also maintains close cooperation and coordination with Afghanistan under the framework of the Tripartite Commission headed by four-star generals of the Pakistan Army, the International Security Assistance Force/NATO and the Afghan Army. There is also an intelligence-sharing arrangement with a view to countering militancy.

07-22129 (E) 250107

However, preventing cross-border movement by militants is a joint responsibility of Pakistan, Afghanistan and the coalition forces. A commensurate effort is required on the other side of the border, where fewer than 40,000 troops are deployed and only 100 military posts exist.

Keeping in view the above factors, and on the basis of its own security assessment of the situation, Pakistan has asked its Armed Forces to work out modalities for selective mining and fencing on its side of the international border with Afghanistan. In doing so, utmost care will be taken to ensure that the sites of selective mining will be clearly marked, and designated crossing points will be established to allow the movement of extended families and tribes living on both sides of the international border. We are also introducing documentation for such movement so as to check crossings by undesirable elements.

Pakistan is not party to the Ottawa Convention and is therefore not bound by its provisions. Amended Protocol II of the Convention on Certain Conventional Weapons, to which Pakistan is a party, permits the use of landmines or other measures to address the legitimate security requirements of States while addressing humanitarian concerns.

According to our initial survey and study, Pakistan would need to fence or mine a small portion of the length of the border to prevent militants from exploiting areas of difficult terrain to cross the border in both directions. The elaboration of the modalities and subsequent implementation of the plan will take some time. Meanwhile, my Government will be open to reviewing the position if better alternatives to mining become available to control the border.

At present, along the 22 frequented routes where we maintain border posts, every day over 40,000 persons and 14,000 vehicles cross the border in both directions. Pakistan is planning to gradually regulate movement across the international border while respecting the "easement" rights traditionally enjoyed by the tribal population on the two sides. We expect cooperation from the Afghanistan Government to ensure such better regulation. Unregulated traffic is not in the interest of either country. In this context, we note with concern the negative reaction from the Afghan side to the recent introduction of a biometric border-control system by Pakistan at one of the main border crossings.

The problem of cross-border militancy is closely related to the presence of over 3 million Afghan refugees in Pakistan. We have hosted these refugees since 1979. Two million Afghan refugees are in camps, some of which are close to the international border. Over 1 million Afghan refugees live in urban centres of the North West Frontier Province and Baluchistan. The Taliban militants are able to blend in with these refugees, making their detection more difficult. We would like to see all Afghan refugees repatriated to Afghanistan as soon as possible. We look forward to international assistance and the cooperation of the Afghan Government for the immediate relocation of some of the camps near the border to inside Afghanistan. These camps have often given rise to complaints that they provide shelter to undesirable elements and Taliban.

Pakistan will continue to extend its cooperation to promote peace and stability in Afghanistan and combat terrorism in all its forms. We hope the Afghan Government and others concerned will accept their own responsibilities to address the multiple challenges to Afghanistan's security which arise from causes within that country.

I would be grateful if you would have the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Munir **Akram**
Ambassador
Permanent Representative

United Nations S/2007/39

Security Council

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26 January 2007

Original: English

Letter dated 24 January 2007 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 31 October 2006 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-22375 (E) 300107

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. The present report covers the period from 1 to 31 October 2006.

2. As of 25 October 2006, the total number of troops in theatre was 16,174, which included 2,700 troops from non-NATO countries.

3. There was no change to the status of partner/non-NATO nation contributions.

Political situation

4. The Serbian constitutional referendum held on 28 and 29 October 2006 was the main event during the month of October. The Kosovo Force (KFOR) closely monitored the referendum. Except for some celebrations and gathering particularly in Mitrovica North and Gracanica, overall, the situation remained peaceful. The special envoy of the Secretary-General, Martii Ahtisaari, met with the Contact Group on 21 October 2006 to present some of his preliminary ideas for the future of Kosovo. There are no direct indicators threatening the safe and secure environment, although the current political landscape keeps the situation tense.

Security

5. During the reporting period, the number of inter-ethnic incidents decreased.

6. During the reporting period, one incident against a KFOR soldier was recorded.

7. During the reporting period, 236 incidents related to unexploded ordnance, illegal weapons possession, weapons and ammunition findings, drugs, human trafficking and counterfeit currency were recorded, compared to 247 incidents the previous month. Weapons seizures made up the vast majority of incidents. It has been assessed that smuggling activities will continue to be one of the highest threats to a safe and secure environment within Kosovo.

8. KFOR undertook a number of measures to avoid any incident during the Serbian constitutional referendum. As a result, the ballot boxes left Kosovo as of 30 October without any significant incident, except for a few minor demonstrations.

Compliance with the statement of principles of the Commander of the Kosovo Force and regulation 1999/8 of the United Nations Interim Mission in Kosovo

9. One existing case of non-compliance was received from the Kosovo Protection Corps (KPC); its staffing is ongoing.

Kosovo Protection Corps

10. The percentage of minorities within KPC is short of the goal of 10 per cent established by the Special Representative of the Secretary-General. The recruitment of minorities remains a KPC priority. There are 22 open slots in the active personnel establishment list.

11. In accordance with operation plan 10501 REV2, KFOR continues to support UNMIK in training KPC on civilian and non-political aspects.

12. The Disciplinary and Recruitment Board dismissed one KPC member. No new ethnic minority members were appointed.

13. The current active personnel establishment is 3,030. There were 223 (7.35 per cent) active ethnic minority members (192 males, 31 females): 37 Ashkalis, 4 Romas, 12 Egyptians, 19 Croats, 40 Bosniaks, 14 Muslims, 38 Turks, 1 Goran and 58 Serbs.

14. KPC conducted the following courses during the month of October: officer basic course, officer career course, non-commissioned officer instructor's course, university scholars first and second generation course, English language course and computers course. There was a total of 132 attendees. KPC also conducted a simulation exercise. One area of concern is the low level of KPC attendance at a number of KFOR-provided classes. In some instances less than 50 per cent of expected attendees showed up. This issue has been raised with KPC.

15. During October, there were six approved ceremonies which involved more than 45 KPC members and more than 500 civilians. No incidents were reported.

Conclusion

16. The overall situation in Kosovo remains calm but unpredictable as the status talks progress. The population continues to be more concerned with the difficulties of daily life than with politics and propaganda surrounding the status talks. The threat level against UNMIK and other international community facilities remains medium, while the threat level against KFOR is low.

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Security Council

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26 January 2007

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Letter dated 25 January 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to transmit herewith the interim report of the Group of Experts on the Democratic Republic of the Congo, pursuant to Security Council resolution 1698 (2006) (see annex).

I would be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Jorge **Voto-Bernales**
Chairman

06-63035 (E) 081206 290107

Annex

Letter dated 27 November 2006 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the interim report of the Group, pursuant to Security Council resolution 1698 (2006).

(*Signed*) Ibra Déguène **Ka**
Chairman

(*Signed*) Enrico **Carisch**

(*Signed*) Abdoulaye **Cissoko**

(*Signed*) David **Huxford**

Interim report of the Group of Experts on the Democratic Republic of the Congo, pursuant to Security Council resolution 1698 (2006)

[Original: English/French]

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I. Introduction

1. By its resolution 1698 (2006), the Security Council requested the Group of Experts on the Democratic Republic of the Congo to continue fulfilling its mandate as defined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), to update regularly the Committee of the Security Council established in accordance with resolution 1533 (2004) on its work, and to include in its interim report further recommendations based on paragraphs 158 and 159 of its report dated 18 July 2006 (S/2006/525), on feasible and effective measures that the Council might impose to prevent the illegal exploitation of natural resources to finance armed groups and militias in the Eastern part of the Democratic Republic of the Congo. The Council also requested the Group of Experts to include in its interim report an assessment of the relative importance of the exploitation of natural resources to the armed groups as compared to other sources of income.

2. Recalling paragraph 13 of its resolution 1493 (2003), the Security Council strongly condemned the continued use and recruitment of children in the hostilities in the Democratic Republic of the Congo and decided that the provisions of paragraphs 13-16 of resolution 1596 (2005) should also extend to individuals recruiting or using children in armed conflicts.

3. The Security Council also requested the Secretary-General to take the necessary administrative measures as expeditiously as possible with a view to extending the mandate of the Group of Experts, as re-established by resolution 1698 (2006), for a period expiring on 31 July 2007.

4. The Group of Experts began its work on 22 August 2006 and held a preparatory meeting in Paris from 4 to 7 September 2006.

5. The present interim report is submitted in response to pressing questions relating to child soldiers and illegal armed activities and their connection with the exploitation of natural resources. It also deals with matters relating to civil aviation, customs and immigration, and financing and arms trafficking under the embargo.

6. The Group of Experts would like to thank in particular the Special Representative of the Secretary-General, William Lacy Swing, and the staff of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Kinshasa, Kigali and Kampala for their logistical support and their full cooperation. Finally, the Group of Experts wishes to thank the United Nations Operation in Burundi (ONUB) for the resources which it made available to the Group during its stay in Bujumbura from 20 to 28 October 2006.

A. Context

7. The Group of Experts arrived in Kinshasa on 23 September 2006, the day after the statement by the President of the Security Council deploring the violence that had erupted in Kinshasa on 20-22 August 2006 and at the same time inviting the Committee established pursuant to resolution 1533 (2004) to examine the situation in that city, if appropriate, in the context of the arms embargo imposed by resolutions 1493 (2003) and 1596 (2005) and renewed by resolution 1698 (2006).

8. The Group's arrival coincided with the signing, by representatives of the camps of the two candidates, of an *acte d'engagement* by which they undertook not

to resort to the use of arms before or after the second round of the presidential election and the provincial elections scheduled for 29 October and declared Kinshasa a weapons-free city.

9. This *acte* was preceded by another undertaking signed on 4 September 2006 on the management of the media by the two camps to discourage incitements to violence or hatred before, during and after the electoral campaign.

10. On 28 and 29 October 2006 a joint appeal and a declaration of the post-electoral intentions of the two candidates were signed by representatives of the two camps.

11. These documents, which serve as confidence-building measures in the military, security, media and political domains, should, if properly implemented, help quell this armed conflict and propitiate the peaceful reconstruction of a country with immense potential.

12. Notwithstanding all these confidence-building measures and the support of the international community (MONUC, EUFOR), however, the situation remains volatile in Kinshasa, as demonstrated by recent events where gunmen were able to sow terror in a supposedly weapons-free city.

13. As indicated in the statement of 22 September 2006 by the President of the Security Council (see para. 7 above), the Group remains concerned about the situation in Kinshasa. Despite the continuing tension and the illegal armed activities in Kinshasa, there is insufficient evidence of violation of the embargo for the Group of Experts to make a case for the imposition of sanctions. Rumours were fuelled and tension heightened in Kinshasa by several authorized arms deliveries which arrived in the city during the elections.

14. This was the climate of political tension that prevailed during the visit to Kinshasa by the Group of Experts.

15. The publication on 15 November 2006 of the provisional results of the second round of the presidential election, three days before the present interim report was drafted, confirmed the victory of President Joseph Kabila.

B. Summary of findings

16. The links between the activities of armed groups and natural resource exploitation during the conflicts in the Democratic Republic of the Congo have been widely discussed in previous United Nations reports. The Group of Experts examined recent changes in the interaction between armed activities and natural resource exploitation at the end of the transition period and considered whether there are fundamental differences between past and current practices.

17. This research shows that although linkages still exist, the current situation cannot be viewed solely through the lens of the activities of structured armed groups but incorporates a wider and more complex problem involving State actors, criminality, corruption and other illicit armed activity. The Group's consultations with a broad range of stakeholders suggest that these problems are best addressed by promoting law-abiding industries and responsible Government oversight. As an interim measure the Security Council can help by imposing financial and travel sanctions against those actors who violate Congolese laws.

II. Response to paragraph 6 of Security Council resolution 1698 (2006)

A. Natural resource exploitation and armed activities

18. In Ituri and the Kivus there has been a clear geographical correlation between the activities of illicit armed actors and areas of natural resource exploitation. Control over territory has proven to be the key factor enabling armed groups in the Democratic Republic of the Congo to profit from the exploitation of natural resources.

19. Internal documentation of the Front des nationalistes et intégrationnistes-Front de résistance patriotique de l'Ituri (FNI-FRPI) obtained by the Group of Experts during the mandate of Security Council resolution 1616 (2005) demonstrated the predominance of the gold mining sector as this group's main source of income. This income was derived both directly from gold and from multiple forms of taxation on the local community, which itself depended on gold exploitation as its main source of income. Although quantifiable data are not available for other remaining armed groups operating in the Democratic Republic of the Congo, evidence of this parasitic system is reported throughout the eastern part of the country in areas where armed groups still retain territorial control.

20. The Armed Forces of the Democratic Republic of the Congo (FARDC) now have control over many of those areas where natural resource exploitation is taking place. In terms of taxation, theft and abuses of the small-scale mining community, there are striking similarities between the illicit activities of the 85th Brigade related to cassiterite (tin oxide) production in Walikale and gold production controlled by FNI-FRPI in Mongbwalu.

Case study

Cassiterite (tin oxide) production in Walikale

At the Bisie mine in Walikale, cassiterite (tin oxide) is extracted through small-scale mining operations. This product is then transported by porters on foot and then by motorbike through the forest to the main road, where it is traded, consolidated into 2,000-kg loads and brought out by aeroplane to Goma. This trade is relatively easy to monitor as access to Walikale until very recently has been exclusively by air. Information given by the aircraft operating companies, pilots, cargo handling agents, and records at Walikale airstrip suggest a minimum of 9 to 10 aircraft rotations per day, each transporting 2,000-kg of cassiterite (tin oxide). This suggests that the extracted cassiterite (tin oxide) is worth $800,000 per month to the local economy.

The legitimate concessionaire, Mining Processing Congo (MPC), recently suspended its planned exploration activities because of security concerns for its staff. MPC reports having experienced serious harassment and security problems. The company has provided evidence that its staff have been subjected to arbitrary detention, threats, attempts to prevent access to their concession and armed attack.

Control inside, and access to, the mine is provided by the non-integrated 85th Brigade of FARDC. Illegal taxation, theft and other forms of extortion are perpetrated daily by members of this Brigade against those miners and porters working in the cassiterite (tin oxide) trade and the subsidiary commerce which has grown up around this natural resource exploitation.

In addition to the innumerable daily abuses of those involved in the mining sector by members of the 85th Brigade, just in the two-week period when the Group of Experts was investigating in this area, three serious security incidents were reported involving illicit activities by armed actors:

- On 11 November 2006, there was an exchange of fire lasting up to an hour between two units of the 85th Brigade which had come into conflict over the mine.
- On 9 November 2006, an aircraft operated by Goma Express overloaded with cassiterite (tin oxide) crash-landed on the main road north of Walikale, destroying houses and vehicles, killing one person and injuring others. Apart from the two pilots, there was one passenger on board the aircraft who was travelling under an arrangement between Goma Express and the 85th Brigade that allows one passenger designated by the military to be carried free of charge on all flights to and from the mining area.
- On 29 October 2006, a delegation from the legal concessionaires, MPC, arrived at the mine and was attacked by illicit armed actors who fired at the delegation multiple times with AK-47s, hitting and seriously injuring one member and closely missing the others.

21. Immediate responsibility for illicit armed activities in the natural resource trade in Bisie lies with the 85th Brigade commander. Ultimate responsibility, however, lies further up the chain of command. It is illogical and ineffective for FARDC soldiers who are paid at best less than a dollar a day to be given responsibility for the security of an area of natural resource exploitation worth $800,000 per month to the local economy. The complexities of working with large numbers of small-scale miners demand an array of security skills that FARDC has not been trained for. Even if integrated units were to be deployed in this area these fundamental problems would remain.

22. The plane crash referred to in the case study above also highlights the responsibility of the State to ensure air traffic safety. In terms both of its siting and its function, of which the authorities were all aware, the Walikale landing strip — a section of main road in the town — does not comply with the easement rules. In addition, the Civil Aviation Authority sent a circular No. 416/DAC/TC/SEC/370/2003 dated 2 May 2003 to all aviation companies operating in the Democratic Republic of the Congo, notifying them that it was prohibited to carry passengers and cargo in the same compartment. The plane which crash-landed had on board 2,000 kg of cassiterite, when it should only have been carrying 1,400 kg, and it also had passengers in the same compartment. From the

outset no one checked that the rules were being followed, which it was the responsibility of the State to do.

B. Security threats to the natural resource sector

23. A wide range of security threats and risks were brought to the attention of the Group of Experts in its consultations on paragraph 6 of Security Council resolution 1698 (2006) with leading industrial companies in the Democratic Republic of the Congo. Only one industrial mining company, however, mentioned having had a security problem with an armed group, and it was not a recent occurrence. The main problems consistently cited by the companies concern the lack of capacity of the authorities of the Democratic Republic of the Congo to secure their investment, a lack of transparency in conducting business activities, and extortion attempts made by a range of State actors from low-level military personnel up to a Government minister. Over half the industrial mining companies contacted by the Group have either already experienced or anticipate problems that need to be addressed concerning the activities of artisanal and small-scale miners. The more enlightened companies are addressing these points of potential friction in advance in attempts to avert security problems. However, these same companies have cited further concerns about incapacity of State authorities and security forces to deal with these issues with the necessary skills, resources and sensitivity to the needs of artisanal and small-scale mining communities.

24. The paucity of responsible State behaviour and the ongoing militarization of natural resource exploitation have wider security ramifications which include, but are not limited to, the ongoing activities of armed groups in the territory they control. The natural resource sector, if it can encourage responsible investment and management, has the potential to produce vast developmental and security benefits, a potential that is currently unfulfilled in much of the country.

25. Responsible behaviour on the part of the extractive industries is necessary to prevent abuse of the natural resources and population of the Democratic Republic of the Congo. In parallel with this, the Government has a responsibility to secure the extractive industry so that it can operate and invest in the Democratic Republic of the Congo and benefit its population. At the moment, both industrial investment and small-scale mining activities in the natural resource sector are able to progress faster than the capacity of the Government to effectively secure them. It is in this vacuum that illicit armed activities thrive.

C. Paragraph 6 consultation process

1. Cooperation of stakeholders

26. In response to requests contained in paragraph 6 of Security Council resolution 1698 (2006), the Group of Experts contacted a broad range of stakeholders individually by telephone, by correspondence and in some instances by meeting in person. An extensive questionnaire supported by detailed background notes was sent to most stakeholders.

(a) Non-responders

27. The Transitional Government of the Democratic Republic of the Congo and its ministries with primary responsibility for the nation's natural resources did not respond to the various requests presented by the Group of Experts in writing and during meetings, nor did the authorities with responsibility to provide police, internal security and military services to the extractive industries. These authorities also ignored the requests contained in paragraphs 10 and 11 of resolution 1698 (2006).

28. None of the parastatal companies of the Democratic Republic of the Congo responded.

29. No neighbouring States of the Democratic Republic of the Congo have replied to the Group's requests. These States were made aware in writing of the need for consultations, were asked a number of specific questions and were reminded of the request contained in paragraph 11 of resolution 1698 (2006).

30. The Group of Experts invited the World Bank to comment on paragraph 6. This is the most recent occasion on which the World Bank has been contacted by the Group and has responded only on the most insubstantial level.

(b) Responders

31. Substantial answers, and assistance in bringing private sector actors to the attention of the Group or encouraging them to reply to the Group's questionnaires, were provided by some States where significant private sector actors are domiciled or by States that have expressed an interest in supporting the exploration and possibly the development of a natural resource control system.

32. The Group of Experts sent an extensive background note and questionnaire to 27 of the most significant members of the extractive industries, including mining, forestry and petroleum companies and to 10 companies offering services such as assaying, quality control, transportation and security services to the extractive industries.

33. Most major companies, and their leading industry associations, participated readily in the consultations, often providing extensive answers and in many cases offering continued support to any further efforts the Security Council or the Committee might undertake.

2. Issues raised

34. The questions were grouped into the following clusters:

- General information on concessions granted, types of natural resources produced, size and remuneration of Congolese staff and projected expansions of existing operations and investments
- Security threats, provisions to counteract them and issues arising in connection with government authorities
- Views on the measures the Security Council might best adopt to prevent the diversion of natural resources

- Views with regard to the recommendations contained in paragraph 158 of the latest report of the Group of Experts (S/2006/525)
- Willingness to contribute to the research and development of the proposed natural resource control systems
- Details related to the future application within a sanctions regime of the proposed control system, if implemented
- Opinion on the measures proposed in paragraph 159 of document S/2006/525.

3. Answers received

(a) Positions regarding the recommendation contained in paragraph 158 of document S/2006/525

35. The majority of the respondents agreed that the lack of active participation in a natural resource control system, if and when introduced and functional, would represent a suitable benchmark that the international community might use to determine the subjects against whom targeted sanctions might be imposed.

36. Opinion was divided over the issue whether a system should be developed by the private sector, or whether the endeavour should result from a public-private partnership. According to most respondents, the pragmatic solution to this difference of views is that legitimacy is added by strong State involvement. Consequently, there is broad agreement that the sovereignty of the Government of the Democratic Republic of the Congo must be respected, and that the ultimate authority over such a system must rest with the State. There is also agreement that the international community should provide initial funding for the development of such a system and maintain a monitoring role. As companies already pay royalties, fees and taxes for natural resource exploration and exploitation it is expected that the State should meet all costs associated with operating a control system out of this income.

37. Most private sector actors agree with the concept of instituting a system designed to ascertain and certify the origin of precious minerals and forestry products. They are willing to participate in a private-public sector development committee that would take charge of gathering all relevant technical and administrative instruments necessary for the implementation of such a system. One company suggested that significant new data currently generated by exploration companies could be contributed and eventually integrated into a natural resource information database for the Democratic Republic of the Congo.

38. The respondents also agreed to participate in a scientific pilot study with the goal of developing enhanced technologies for the tracing of natural resources. Some companies that have already undertaken research on "fingerprinting" or similar identification methods have offered to contribute their knowledge to such a scientific fact-finding process.

(b) Points of caution

39. In their consultations with the Group of Experts, companies raised the following points of caution:

- The current capacities of the State are entirely inappropriate to administer a control system of this magnitude since the administrative skills have

deteriorated. Necessary preparatory steps would include the rebuilding of schools for administrators.

- Additional funding would be required to improve the mining cadastre's rudimentary system of registering concessions, location and technical data.
- Any new controls should be transparent, managed effectively and efficiently and not result in a further layer of bureaucracy that could inhibit development.
- Any new control system might create new opportunities for corruption.

40. The Group of Experts has observed that the Ministry of Energy's granting of petroleum concessions is non-transparent, the administrative services are in inappropriate locations and the filing system is in shambles.

(c) Positions regarding the recommendation contained in paragraph 159 of document S/2006/525

41. The concept advanced in paragraph 159 was unanimously embraced by the responding companies. One company expressed concern over the question of whether the Group of Experts would possess the necessary competence to properly interpret alleged violations against the natural resource legislation of the Democratic Republic of the Congo. Concerns were raised regarding the imposition of sanctions without a guarantee of due process. While most companies believed that there should be no exemptions if a sanctions scenario were established based on the proposed concept, some companies cautioned that it would be counterproductive to impose sanctions against artisanal communities and squatters who were exploiting natural resources on permitted concessions, because of the humanitarian consequences and an inability to enforce such sanctions.

D. Recommendations

1. General

42. No counterpart whose views were solicited by the Group of Experts thought it advisable to sanction the importation of specific commodities originating in the Democratic Republic of the Congo. Objections were raised concerning:

(a) The inability to enforce such sanctions;

(b) The risk of increasing the price of the sanctioned commodity and thus rewarding the embargo buster;

(c) Probable economic effects, variously described as "serious" or "probably leading to a new civil war"; and

(d) The negative repercussion on the nascent investment climate in the country.

43. It is clear that the imposition of commodity sanctions would symbolize very powerfully the international community's lack of confidence in the Congolese authorities' ability to prevent diversions of the State's natural resources towards the financing of illegal armed activities. Depending on which sanctions were imposed, the detrimental effects could be entirely symbolic rather than having material impacts on the population or the economic development of the country.

2. The case for selective commodity sanctions

44. The Group of Experts does not agree completely with the above-cited objections to commodity sanctions. Depending on which commodity were embargoed, the measure could very well be enforced if appropriate provisions were taken into account. Many natural resources are refined or are transported by air. Utilizing refineries or airports as natural bottlenecks, controls could be imposed that would at least make it more difficult to smuggle embargoed resources. Certain precious minerals could also be successfully sanctioned because there is only one or a few mining sites for each of these minerals in the entire country. None of the sites are legally mined, nor are there artisanal activities. The pyrochlor mine in Lueshe, North Kivu, the only one in the entire Democratic Republic of the Congo, serves as a good example because the current operator, Ngoga "Mode" Makabuza, has no legal title to the site and the Group of Experts has already identified him as a sanctions violator. Shutting down Congolese pyrochlor exports through a Security Council embargo would simply enforce what is already the situation according to Congolese law. The Group of Experts does not believe that a Congolese pyrochlor embargo would have a wider detrimental economic effect on the local population, since there is no official production and therefore no legal employment would be lost.

3. The case for petroleum sanctions

45. A similar case could be made against petroleum exploration rights that have currently been granted. There is no production or significant development involving Congolese employees, and most importantly no responsible and transparent Congolese authority managing this resource. The only loss would be the already spurious signing bonuses collected by the Ministry of Energy. Sanctioning this commodity would impose little or no costs on the Congolese population. To the extent that a well-intentioned private-sector actor might wish to assist in reforming this industry a good first step might be for the authorities of the Democratic Republic of the Congo to become a member of the Extractive Industries Transparency Initiative. Once that step is taken, the Security Council might wish to extend an exemption to a petroleum embargo for qualified and appropriate applicants.

4. Security sector reform

46. The natural resource sector demands attention so that it may be secured fully without this security disposition itself becoming a source of insecurity in the sector. This demands special training, resources and leadership for those actors given the task; furthermore, demilitarization of the natural resource sector may have to be envisaged in order for the appropriate security providers to succeed in their job. Given the sensitivities that this presents and the inherent potential for conflict in the sector, it is recommended that as a priority the Government of the Democratic Republic of the Congo organize consultations on this subject between the State authorities charged with security sector reform and their international and multilateral partners, non-governmental organizations, the mining industry and those private security firms that are already engaged with the industry.

5. Imposition of reporting obligations

47. **At this critical junction where a newly elected Government must project its authority over the entire territory of the Democratic Republic of the Congo, the Group of Experts recommends that a monthly reporting obligation be imposed on all government authorities who have oversight and monitoring obligations with respect to the nation's natural resources (minerals, timber and petroleum) and on those authorities who are supposed to implement existing United Nations sanctions. This measure is proposed for an initial period of 12 months.** This proposed obligation would require the Government of the Democratic Republic of the Congo to report to the Security Council Committee on a monthly basis:

- All efforts that are being undertaken to implement existing targeted sanctions, including identification of assets identified, or cross-border travel discovered
- All new permits for mining, timber and petroleum exploration or exploitation
- The shareholders, directors and senior managers of all existing natural resource concessionaires
- All efforts undertaken to certify the origin of natural resources and to detect diversions of proceeds from resource exploitation towards illegal armed activities
- All efforts made to secure the natural resource sector as recommended in paragraph 46 above and the results of the consultations organized on this subject.

6. Recommendations based on paragraph 158 of document S/2006/525

48. **The Group of Experts recommends that the Security Council Committee, jointly with the authorities of the Democratic Republic of the Congo, appoint members to a steering committee that will take responsibility for and oversee the formal development of all aspects that will lead to a natural resource control system.** The members of the steering committee would be expected to organize themselves and appoint a chair and a secretary. The mandate given to the committee should encompass all administrative, technical and regulatory aspects required to introduce enhanced controls for all natural resources as well as internationally recognized certification of origin schemes. Participation in the committee would be on an honorary basis, and funding for specific development tasks should be provided by interested States with contributions from the Government of the Democratic Republic of the Congo, utilizing existing proceeds from the licensing of natural resource rights. The steering committee should provide quarterly progress reports to the Security Council Committee. Members would be appointed from the following stakeholders:

- The Ministry of Mines, Ministry of Energy, Ministry of Environment, Ministry for Interior Affairs, Ministry of Defence, Ministry of Finance and Central Bank of the Democratic Republic of the Congo
- Donor States who wish to contribute start-up funding, administrative support or technical scientific know-how
- Large internationally active companies of the extractive industries

- Semi-industrial companies and cooperatives
- Artisan communities
- Refining and upgrading industries
- Assaying, inspection and audit companies
- Civil society groups.

49. To expedite and facilitate its work, the steering committee would be expected to draw as much as possible from existing certification systems and from the experiences of research organizations, companies, and reputable private-sector assayers, inspectors and auditors. One helpful example of an existing control system design was offered by Société Générale de Surveillance (see annex I to the present report). Potential contributions to the development of the steering committee, in particular those offered from the private sector, should not prejudice any possible future commercial role of the same entity as long as international standards of transparency and accountability are observed.

50. The steering committee would also be expected to benefit from workshops, seminars and other efforts that are currently being undertaken by interested States and other parties to define "best practices" for engaging in the natural resource industries of the Democratic Republic of the Congo, or for determining scientific methods of fingerprinting or source identification.

7. Recommendations based on paragraph 159 of document S/2006/525

51. Based on the unanimous agreement and input from private sector stakeholders of the natural resource industries of the Democratic Republic of the Congo, the Group of Experts reiterates and recommends expansion of the recommendation contained in paragraph 159 of its previous report (S/2006/525). Based on recent history, it is widely assumed that the newly elected Government and its monitoring and regulatory agencies will not succeed in stemming the flow of proceeds from natural resource exploitation, including funds that are extorted or obtained by corrupt means, towards illegal armed activities. Lawlessness and uncontrolled armed incursions into and exploitation of artisan communities will persist, regardless of whether armed groups are denominated as legal or illegal. Consequently, urgent intervention against all forms of illegal natural resource exploitation is required in order to encourage and promote the law-abiding extractive industries.

52. **The Group of Experts recommends that the existing laws of the Democratic Republic of the Congo, particularly the regulations governing natural resources and their orderly exploitation, be used as a baseline for a new sanctions regime. Violations of these laws would be considered sanctionable, and the Group of Experts, strengthened with appropriate legal expertise, would be mandated to investigate relevant acts. Violators could be added to the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005). Since the core violation would be the infraction of current Congolese law, due process would be automatically built into the sanctions regime. Should the evidence against violators not prevail in orderly Congolese courts of laws, the listing under paragraphs 13 and 15 of resolution 1596 (2005) would be removed.**

53. In order for the Group of Experts to have appropriate legal input for its work, it would require the assistance of recognized scholars of Congolese and international law. Member States could grant assistance by drawing on their academic institutions or providing financial commitments in an amount sufficient to cover the costs of legal services providers. The new sanctions regime would be reviewed for possible renewal if, after one year, diversions of natural resources persisted and the State's ability to control them had not improved.

III. Monitoring of arms transfers, trafficking and smuggling

54. In spite of numerous allegations and rumours of arms embargo violations, no viable evidence has been found by the Group of Experts, nor has any been transmitted to the Group by its monitoring partners, to suggest that there have been recent illicit flows of arms or related material to armed groups operating in the Democratic Republic of the Congo.

A. Brokers' and manufacturers' input to embargo monitoring

55. The Group of Experts relies on numerous sources of information to fulfil its research and analysis role. The role aviation, cargo transport, mining and security companies has proven to be invaluable in this process. The defence industry, to date, has played a minimal role in providing advice, assistance or information to the Group of Experts. To remedy this, the Group has begun to invite more members of the defence industry to increase their input to its activities. It is hoped that the defence industry will take up this opportunity to assist in arms embargo monitoring. The Security Council Committee will be kept fully informed as this project progresses.

B. Legitimate transfers of arms and related materiel

56. Legitimate transfers of arms and related material to the Government of the Democratic Republic of the Congo are exempt from the arms embargo when those transfers (a) are in compliance with paragraph 2 (a) of Security Council resolution 1596 (2005); and (b) are made only to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Security Council Committee in accordance with paragraph 4 of the same resolution. The complexities involved in monitoring and implementing a partial arms embargo of this nature have been evident during the current mandate of the Group of Experts.

57. Frequent deliveries to the Democratic Republic of the Congo of normally embargoed material are made under the provisions of paragraph 2 (a) of resolution 1596 (2005). Two transactions during the period under review were noteworthy for the lack of transparency concerning communications with those United Nations actors charged with monitoring the arms embargo. This opacity was avoidable and, as the deliveries arrived unannounced in the period between the two rounds of voting in the elections, further contributed to a situation of increased tension in Kinshasa.

Delivery of military material: Matadi port

On 26 July 2006, the cargo freighter *BBC Singapore* arrived at the port of Matadi with a cargo containing significant quantities of ammunition and armoured vehicles ordered by the Ministry of Defence of the Democratic Republic of the Congo from the Ukrainian State enterprise, Ukroboronservice. The Government of Ukraine informed the Security Council Committee of its export of this material in advance of its delivery, in accordance with the requirements of resolution 1596 (2005). MONUC was informed of the delivery in a letter from the Ministry of Defence of the Democratic Republic of the Congo received after the ship had already unloaded its cargo, and which only gave a partial account of the extent of the cargo. MONUC subsequently carried out two successful verification missions to the port of Matadi with the cooperation and assistance of relevant Congolese authorities.

58. Although MONUC was not informed of this delivery in advance, the Security Council Committee was informed that the transaction had been authorized. The role MONUC plays in arms embargo monitoring and its wider security responsibilities in the Democratic Republic of the Congo are well defined. This was a significant delivery of military materiel in terms of both size and cost, initially ordered in 2004, which had been travelling for 22 days before arriving in the country. Although MONUC reports that it has received good cooperation from the authorities of the Democratic Republic of the Congo during its verification missions, cooperation and information-sharing on arms imports can only be considered effective if they occur before a delivery reaches the territory of the Democratic Republic of the Congo.

Delivery of military materiel: N'Djili airport

On 29 August 2006, a delivery of 10,000 AK-47 magazines arrived at N'Djili airport, Kinshasa, from China North Industries Corporation. This cargo was carried by Ethiopian Airlines using airway bill No. 071-13271241 on flight number ET3825 from Beijing, via Addis Ababa to Kinshasa. The airway bill clearly stated the nature and content of the cargo.

From the point of arrival in the Democratic Republic of the Congo, multiple customs irregularities were incurred concerning this transaction. Irregularities in the customs declarations included a false declaration of the value of the goods. The stated customs value was $1.45 per magazine, as opposed to the $11.25 per unit paid.

Paperwork relating to this transaction states that $1,125,000 has been paid to an agent authorized by the Minister of Defence for the delivery of 100,000 magazines for FARDC via the designated entry point of Matadi port. To date, 10,000 magazines have been discovered at N'Djili airport and no information has been provided concerning further possible deliveries.

As notification of the Security Council Committee could not be substantiated to the Group of Experts for this transaction, the Group requested clarification from the Government of China. The Government of China confirmed that "this transaction had been examined and approved under strict process with all necessary documents, and is in conformity with the requirements of relevant Security Council resolutions".

Congolese authorities only informed MONUC of the delivery of the cargo to N'Djili airport after it had already arrived in Kinshasa and had been discovered by customs agents. At a later date, the Ministry of Defence provided the Group with documentation relevant to this transaction.

59. The Group of Experts is aware that in April 2006, the Government of the Democratic Republic of the Congo requested the Committee to add the cities of Boma and Uvira to the list of designated receiving sites. These additions were made without the necessary consultation with MONUC as required by paragraph 4 of resolution 1596 (2005). This lack of consultation continues to delay the designation of these cities as official receiving sites.

60. These examples are included in the present report in order to show the inherent complexity of monitoring arms deliveries to a territory such as the Democratic Republic of the Congo that is subject to a partial arms embargo. The number of deliveries carried out under the relevant exemptions is increasing and is predicted to further increase as a result of security sector reform initiatives and investment in FARDC. The complexity and inherent opacity should be remedied in order to prevent the sanctions monitoring mechanism from becoming overwhelmed with investigations into what later turn out to be legitimate transactions and so that cases of illicit arms shipments can be quickly and efficiently identified and appropriate action taken.

C. Recommendations

61. **The Group of Experts recommends that the Security Council Committee clarify the process to be followed for deliveries of arms and related materiel which are exempt from the arms embargo as follows:**

(a) **Specify that as part of its cooperation with MONUC, the Government of the Democratic Republic of the Congo should inform MONUC of deliveries of exempt materiel before such material arrives in the country in sufficient time (say, 10 days in advance) for MONUC to deploy a monitoring team to the receiving site if MONUC should decide that this course of action is necessary;**

(b) **Specify that the Government of the Democratic Republic of the Congo should include in its information sent to MONUC specific details on the deliveries, including point of entry, time of entry, means of delivery and accurate information on the content of the shipment;**

(c) Specify that the provisions of paragraph 4 of resolution 1596 (2005), concerning consultation between the Government of the Democratic Republic of the Congo and MONUC with respect to the designation of points of entry for exempted material, should be adhered to, and that this process should take into account the capacity of MONUC to access and effectively monitor any potential delivery to additional points of entry. New entry points should only be considered to be "designated" when input from MONUC has been taken into account and provided to the Committee;

(d) Reiterate the requirement for all Member States to inform the Committee in advance of their authorized exports of exempted material to the Democratic Republic of the Congo in accordance with paragraphs 2 (c) and 4 of resolution 1596 (2005);

(e) Specify that the Committee should be informed in detail by the exporting State of the delivery date, time, means of transport, contents of the shipment and entry point in the Democratic Republic of the Congo of exempted material in advance of its delivery and be kept up to date if these details change;

(f) Specify that the information requested in point (e) above be transmitted upon receipt via the Committee to MONUC and the Group of Experts in order to enable them to fulfil their monitoring mandates;

(g) Specify that if upon delivery the authorities of the Democratic Republic of the Congo discover discrepancies between what has been ordered and related to the sanctions monitoring mechanism, and what has been received, this information should be immediately transmitted to MONUC and the Committee.

IV. Other cases investigated

A. Antonov aircraft

62. Antonov aircraft which do not meet airworthiness criteria continue to operate in the Democratic Republic of the Congo.

63. The Group of Experts knows that the manufacturers Antonov have published a list of their aircraft which do not meet airworthiness criteria, to help civil aviation authorities ground the aircraft for retrofitting.

64. The International Civil Aviation Organization (ICAO) has assumed responsibility for the above-mentioned list published by Antonov and placed it on its site for the attention of contracting States, so that they can take the necessary measures pursuant to paragraph 4.2.1.1 of annex 8 to the Convention on International Civil Aviation (Chicago Convention).

65. The Group of Experts has brought the list published by Antonov and ICAO to the attention of the aviation authorities of the Democratic Republic of the Congo, Rwanda, Burundi and Uganda, who have undertaken to make every effort to implement the provisions of paragraph 6 of Security Council resolution 1596 (2005) and to convey all the requested information to the Group of Experts.

66. In its investigations, the Group of Experts ascertained that some aircraft being operated in the Democratic Republic of the Congo are using fake registration numbers, as they have been de-registered by their countries of registration.

67. In addition, by comparing the results of its investigations with the above-mentioned list, the Group of Experts found that some aircraft had changed operators since the list was drawn up.

68. Accordingly, the Group of Experts was able to establish that some aircraft are continuing to fly in the African Great Lakes area in defiance of international rules. Others appear to be using fake registration numbers. These aircraft could therefore be grounded and penalties imposed on the operating companies.

69. In this context, the Group of Experts is particularly interested in the case of Air Navette. This company, which has long been associated with illegal arms traffic and, in particular, assisting armed groups, uses one of the aircraft on the Antonov list, an An-12, registration 3C-AAG.

70. This Congolese-registered company, with its head offices in Kisangani, uses Entebbe as its base. There are discrepancies in its chain of ownership which the Group of Experts will endeavour to clear up before it completes its work.

71. The Group of Experts is continuing its investigations into this company so as to gain a better idea of its activities and to ascertain who its real owners are.

B. Follow-up to the recommendations by the Sanctions Committee

72. The Group of Experts notes that its recommendation pertaining to the training of inspectors in the transport of dangerous goods (including munitions) is being implemented. The ICAO regional office, working together with the United States Federal Aviation Administration, held a training workshop on this subject in Dakar from 12 to 20 September 2006. Officials from the Democratic Republic of the Congo attended the workshop. Other recommendations that fall under the responsibility of ICAO will be disseminated on the ICAO website for the attention of contracting States.

V. Children in armed conflict

73. By resolution 1698 (2006), the Security Council extended the option of applying financial and travel sanctions on political and military leaders recruiting or using children in armed conflict in violation of applicable international law, and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement in the Democratic Republic of the Congo.

74. With the recent assistance of a specialist consultant, the Group of Experts has initiated a research project in this area. To date there is a lack of sufficient, independently verifiable evidence to recommend the individuals under investigation to the 1533 (2004) Committee for consideration for sanctions. It is intended that when these cases are sufficiently supported they will be submitted to the Committee.

VI. Cooperation by States Members with the Group of Experts

75. During its work, the Group of Experts made constant efforts to strengthen its cooperation with the Democratic Republic of the Congo and the neighbouring countries. It should be noted that, during this first part of its mandate, cooperation by the Congolese authorities was not at the level which the Group hoped to receive.

76. For their part, the Rwandese authorities rendered assistance to the Group during its visit to Kigali.

77. Where Uganda is concerned, the Group still had problems visiting the arms factory in Nakasongola, notwithstanding the official invitation extended by Uganda to the Chair of the Sanctions Committee. The Group has briefed the Chair of the Committee on this matter.

78. The Committee received an invitation from President Yoweri Museveni, offering to meet the Group of Experts on 25 October 2006, but by that date the Group had already left the region. The Group stands ready to return to Uganda, to visit the Nakasongola factory.

79. In its investigations, the Group of Experts sought assistance from Ukraine, represented by the Ukrainian civil aviation authorities and the Antonov Design Bureau, during a visit to Kyiv from 28 August to 1 September 2006. The information requested from these authorities by the Group has not yet been received.

80. Finally, the Group of Experts would like to draw the Committee's attention to the total lack of response from Equatorial Guinea, the Central African Republic, the Republic of the Congo and Sao Tome and Principe to requests from the experts to visit those countries to carry out its mandate.

Annex I

Sample geochemical analysis control system for minerals designed by Société Générale de Surveillance

Similar proposals exist for forestry control systems and auditing measures for the petroleum industry.

Step 1
Identify and "license" authorized producers in the Democratic Republic of the Congo

Identify and license the reputable producers in the Democratic Republic of the Congo. This will involve site inspections, a licensing system with marks/stamps/seals that can be used to identify shipments.

Step 2
Sample and analyse the products of the authorized producers to fingerprint them

This will require obtaining samples of the products from the authorized producers and having them fingerprinted analytically. Issues related to step 2 include the following:

(a) Illegal materials from the same ore bodies as the legal materials will likely not be able to be distinguished analytically;

(b) Ore bodies can change character with depth and horizontal expression. This will mean that the fingerprint will have to be confirmed/updated as mining progresses;

(c) Process variances in the concentration of copper and cobalt from legal producers may make their concentrates indistinguishable from illegal materials. A series of sampling and analytical studies in the legal producers' operations would be required to look for process variance and create a fingerprint range for these materials. Technology would be total acid digest Inductively Coupled Plasma-Mass Spectrometer (ICP-MS) with classical chemistry to confirm the major element concentration;

(d) The technology for gold and diamonds would have to be acquired from specialized mining companies, the Royal Canadian Mounted Police or other police agencies around the world. This would involve ICP-MS laser ablation for the gold and probably non-destructive Fourier Transform InfraRed for diamonds. The best solution may be the bio/enzyme marking technology that has been trialed to confirm shipment lot identities. As part of the control system, a secret bio/enzyme marker would be applied to each parcel of diamonds/gold leaving a site. This parcel could be then assaying/confirming the marker as the parcel moves. Secrecy is critical in this situation;

(e) The fingerprinting and monitoring laboratory supervising the implementation of the control system would be a very specialized one headed by a senior accredited forensic scientist. The laboratory would have to be accredited to an appropriate forensic designation and be recognized by police agencies.

Step 3
Approval of export for product verification and shipments out of the Democratic Republic of the Congo

Sampling and analysis. Samples would be taken from each shipment at appropriate points, leaving the producer site at the point of export from the Democratic Republic of the Congo. Samples would be taken under supervision, prior to container sealing, and sent to the fingerprint laboratory for analysis. If material matches the site "fingerprint" the material would be cleared for export. Samples collected at the final point of export should match the site "fingerprint" for the material to leave the Democratic Republic of the Congo for its final destination.

Paperwork checks, weight checks, seal checks and analytical checks would all be part of the approval of the export process.

Annex II

Entities and organizations contacted by the Group of Experts

For security reasons certain individuals who have provided information or statements to the Group of Experts cannot be listed.

Australia

Private sector: Moto Goldmines Ltd., BHP Billiton Limited, Anvil Mining, Gravity Diamonds, Council for Responsible Jewellery Practices, Ltd.

Belgium

Government: Ministry of Foreign Affairs, Federal Police

Organization: International Crisis Group

Burundi

Government: Ministry of External Relations and International Cooperation, Immigration Police, Régie des Services Aéronautiques, Customs Authority

Organization: United Nations Office in Burundi

Democratic Republic of the Congo

Government: President's Office, Delegation Générale du Gouvernment chargée de liaison avec la MONUC, Ministry of Mines, Ministry of Finance, Ministry of Energy, Civil Aviation Authority, Régie des Voies Aériennes, Commission for Reconstruction and Development, Ministry of Internal Security, Ministry of Defence, Ministry of Foreign Affairs, Lubumbashi International Airport, Administration of Province Orientale, Office of the Special Adviser to the President, Mining Cadastre, Customs and Excise Office

Organizations: United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), European Union security mission (EUSEC), Peacekeeping Force of the European Union (EUFOR), Pact-Congo, United States Agency for International Development, European Union

Diplomatic missions: African Union, Belgium, Czech Republic, China, European Union, France, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

Private sector: George Forrest International Afrique, Chemaf sprl, MIBA, Gécamines, Safricas, Okimo, Service Air, Sonas

Canada

Government: Ministry of Foreign Affairs, Royal Canadian Mounted Police

Private sector: Banro, BRC Diamond Corporation

France

Government: Ministry of Foreign Affairs

Organization: Financial Action Task Force, Regional office of the International Civil Aviation Organization (ICAO)

Germany

Government: Ministry for Economic Cooperation and Development

Private sector: Danzer Ag, Heraeus Holding

Israel

Private sector: DGI Group of Companies

Rwanda

Government: Special Representatives of the Office of the President, Ministry of Foreign Affairs, Civil Aviation Authority, Customs and Immigration Office, Ministry of Internal Affairs

Organization: MONUC

Diplomatic missions: France, Germany, United Kingdom, United States

Private sector: Mining Processing Congo

Switzerland

Private sector: Société Générale de Surveillance SA, Argor-Heraeus

Senegal

Organization: ICAO, Agence pour la sécurité de la navigation aérienne en Afrique et à Madagascar

South Africa

Government: Ministry of Foreign Affairs

Organization: Institute for Security Studies

Private sector: AngloGold Ashanti, De Beers, Metorex Limited, SouthernEra Diamonds Inc., Mineral Processing Associates, Rand Refineries, Niko Shefer

Uganda

Government: Ministry of Foreign Affairs, Civil Aviation Authority, Customs Authority, Immigration Authority, Police

Organization: MONUC

Diplomatic missions: Belgium, France, United Kingdom, United States

Ukraine

Government: Ministry of Foreign Affairs, State Administration of Ukraine for Aviation Safety Oversight

Private sector: Antonov Design Bureau

United Arab Emirates

Private sector: Dubai Multi Commodities Centre

United Republic of Tanzania

Government: Civil Aviation Authority, Customs Office

United Kingdom of Great Britain and Northern Ireland

Government: Ministry of Foreign Affairs, Department for International Development, All Party Parliamentary Group on the Great Lakes Region

Organizations: Extractive Industry Transparency Initiative, International Alert

Private sector: Anglo American, Central African Mining & Exploration Company, First Quantum Minerals Ltd., Tullow Oil plc, Heritage Oil, A&M Group, Crown Agents, ICMM, Group 4 Securicor plc, ArmorGroup International plc

United States of America

Government: Department of the Treasury, Department of State

Organizations: Department of Political Affairs of the United Nations Secretariat, WWF International (Mining Certification Evaluation Project), World Bank

Private sector: Phelps Dodge, OM Group, Alex Stewart International, Kroll Corporation, Boeing Company

United Nations S/2007/41

Security Council

Distr.: General
29 January 2007

Original: English

Draft resolution

The Security Council,

Reaffirming all its previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea (hereinafter referred to as "the parties") and the requirements contained therein, including in particular resolutions 1320 (2000), 1430 (2002), 1466 (2003), 1640 (2005), 1681 (2006) and 1710 (2006),

Stressing its unwavering commitment to the peace process, and to the full and expeditious implementation of the Algiers Agreements, and the importance of prompt implementation of the decision of the Eritrea-Ethiopia Boundary Commission (S/2002/423) as a basis for peaceful and cooperative relations between the parties,

Reaffirming the integrity of the Temporary Security Zone (TSZ) as provided for in the Agreement on Cessation of Hostilities of 18 June 2000 (S/2000/601) and recalling the objectives of its establishment and the commitment of the parties to respect the TSZ,

Commending the efforts made by the United Nations Mission in Ethiopia and Eritrea (UNMEE) and its military and civilian personnel to accomplish its duties, despite the difficult circumstances,

Stressing further that the full demarcation of the border between the two parties is vital to lasting peace between Ethiopia and Eritrea as well as in the region, recalling that both parties have agreed to accept the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission (EEBC) as final and binding, commending the efforts of the EEBC to resume demarcation, and expressing its regret that the EEBC, for reasons beyond its control as explained in the Annexes of the report of the Secretary-General of 22 January 2007 (S/2007/33), has so far been unable to complete demarcation of the boundary as planned,

Expressing its full support for the work of the EEBC and acknowledging the Statement of the Eritrea-Ethiopia Boundary Commission (EEBC) of 27 November 2006,

Having considered the Special report of the Secretary-General of 15 December 2006 (S/2006/992) and the options on the future of UNMEE contained therein, and taking note of the report of the Secretary-General of 22 January 2007 (S/2007/33),

Recalling paragraph 7 of resolution 1710 (2006),

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1. *Decides* to extend the mandate of UNMEE for a period of six months, until 31 July 2007;

2. *Approves* the reconfiguration of UNMEE's military component, from the current 2300 to 1700 military personnel, including 230 military observers, in accordance with option I, as described in paragraphs 24 and 25 of the Special report of the Secretary-General (S/2006/992), *decides* to maintain the current mandate and maximum authorized force levels, as stipulated in Resolution 1320 (2000) and further adjusted in Resolutions 1430 (2002) and 1681 (2006), and *stresses* the need to preserve sufficient military capacity for UNMEE to implement its mandate;

3. *Reiterates its demand* expressed in paragraph 5 of resolution 1640 (2005) that Ethiopia accept fully and without delay the final and binding decision of the Eritrea-Ethiopia Boundary Commission and take immediately concrete steps to enable, without preconditions, the Commission to demarcate the border completely and promptly;

4. *Demands* that Eritrea immediately withdraw its troops and equipment from the Temporary Security Zone;

5. *Reiterates its demand* expressed in paragraph 1 of resolution 1640 (2005) that Eritrea reverse, without further delay or preconditions, all restrictions on UNMEE's movement and operations, noting that these include the movement and operations of the acting SRSG, and provide UNMEE with the access, assistance, support and protection required for the performance of its duties;

6. *Reiterates its call* expressed in paragraph 2 of resolution 1640 (2005) that the parties show maximum restraint and refrain from any threat or use of force against each other;

7. *Regrets the lack* of progress on demarcation, *calls upon* both parties to cooperate fully with the EEBC, *stresses* that the parties have primary responsibility for the implementation of the Algiers Agreements, and *calls again upon* the parties to implement completely and without further delay or preconditions the decision of the EEBC and to take concrete steps to resume and complete the demarcation process;

8. *Demands* that the parties provide UNMEE with the necessary access, assistance, support and protection required for the performance of its duties, including its mandated task to assist the EEBC in the expeditious and orderly implementation of the Delimitation Decision, in accordance with Resolutions 1430 (2002) and 1466 (2003) and demands that any restrictions be lifted immediately;

9. *Calls upon* the Secretary-General and the international community to engage with Eritrea and Ethiopia to help them to normalize their relations, to promote stability between the parties, and to lay the foundation for sustainable peace in the region;

10. *Expresses* its willingness to reconsider any changes to UNMEE in light of subsequent progress toward demarcation, and its readiness to take further decisions to ensure that UNMEE will be able to facilitate demarcation as progress becomes possible;

11. *Calls* on Member States to provide contributions to the Trust Fund, established pursuant to Resolution 1177 (1998) and referred to in Article 4 (17) of

the Comprehensive Peace Agreement signed by the Governments of Ethiopia and Eritrea on 12 December 2000, in order to support the demarcation process;

12. *Expresses* its deep appreciation for the contribution and dedication of the troop-contributing countries to the work of UNMEE;

13. *Requests* the Secretary-General to include in his next progress report due by the end of April 2007, details of the progress made towards the implementation of this Resolution and the implementation of the EEBC decision;

14. *Decides* to remain actively seized of the matter.

United Nations S/2007/42

Security Council

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25 January 2007

Original: English

Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested me to keep it regularly informed of progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report also provides an assessment of the overall situation in the country since the previous report to the Council, dated 12 September 2006 (S/2006/728).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. Two years after the Comprehensive Peace Agreement was signed on 9 January 2005, implementation has not progressed as effectively as was hoped. While the basic constitutional framework envisaged in the Agreement is in place, some of the political and security institutions are functioning, and the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) have continued to assert their commitment to full implementation; in reality, both parties have proved reluctant to take the difficult steps required to move towards sustainable peace, and critical aspects of the Agreement remain well behind schedule. Of central concern, the principles of the Agreement related to political inclusion and "making unity attractive" have yet to be fully upheld, and much remains to be done if the parties are to achieve their ambitious goals set out in the Machakos Protocol and in subsequent protocols.

Security aspects

3. The period under review witnessed the most serious violation of the ceasefire since 2002. In Malakal, Upper Nile, heavy fighting between elements of the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) from 27 to 30 November killed at least 150 people, including civilians. The conflict erupted after a long-running dispute over the commissionership of a county in neighbouring Jonglei State triggered a series of skirmishes between the SPLA Joint Integrated Unit contingent and SAF-aligned other armed groups. Fighting then escalated into a full-scale confrontation between SPLA forces and SAF. The

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UNMIS-chaired Ceasefire Joint Military Committee played a key role in bringing the fighting to a halt, and the parties subsequently withdrew to their pre-conflict positions. While the city remains tense, Joint Integrated Unit forces involved in the fighting have been rotated out of the area, and a buffer zone is being monitored by joint patrols, including UNMIS observers.

4. Redeployment of the parties' armed forces continues, although delays in the formation of Joint Integrated Units are now holding up the redeployment of SPLA forces from the transitional areas, originally to have been completed in the second quarter of 2007. With the SAF redeployment deadline of 9 July 2007 approaching, both parties face considerable challenges if redeployment is to be accomplished as agreed in the Comprehensive Peace Agreement. Both parties continue to maintain a substantial armed presence in sensitive oil-rich areas, including Upper Nile, and the 1 January 1956 border area remains highly militarized.

5. On 18 November, President Al-Bashir called for better cooperation between NCP and SPLM on security matters, particularly the problem of other armed groups, and stressed the need for the Joint Integrated Units to function in order to secure the border areas and oil installations. The failure to integrate other armed groups into existing military structures and to create functioning Joint Integrated Units, as required under the Comprehensive Peace Agreement, has left the parties facing a growing security problem, where militia violence as witnessed in Malakal can easily erupt and spiral out of control.

6. Elsewhere in Southern Sudan, unidentified armed men, allegedly belonging to SAF-aligned militia groups, were also held responsible for attacks on arterial roads outside Juba in October and December, killing some 75 people.

7. At the same time, recent months have witnessed increased instability in Northern and Southern Kordofan States, where civilian discontent has led to strike action, and attacks by armed militia groups and tribal violence represent a growing security threat. While some of the violence has spilled over from neighbouring Darfur, tribal disputes and other armed group activities further fuel tensions. For example, in the area of Meiram, south of Abyei, clashes between SPLA forces and SAF related to the integration of erstwhile other armed groups resulted in the displacement of approximately 2,000 people.

8. Efforts to resolve the problem posed by other armed groups remain stymied by mistrust between the parties, as reflected in the state of the Other Armed Groups Collaborative Committee. While its members met regularly during the reporting period, it remained mired in disputes over its rules of procedure, and there is as yet no plan to deal with armed militia groups that are aligned with SAF but that are reluctant to redeploy north of the 1 January 1956 border by 9 July 2007.

9. At the same time, the formation of Joint Integrated Units continued to be delayed, owing in part to a lack of logistical support for moving troops, a shortage of working and living accommodations and irregular and insufficient budgetary assistance. Efforts by the Joint Defence Board to agree to a single doctrine and training programme have foundered, partly over cultural and religious differences. In several areas, poorly disciplined Joint Integrated Unit elements were responsible for deteriorating security. Disputes over the payment of salary arrears to SPLA members of Joint Integrated Units triggered demonstrations in Juba on 9 December. While the presidency should take the steps necessary to provide a regular budget to

the Units, there is also a need for bilateral donors to step forward and assist the Units to perform the security functions envisaged in the Comprehensive Peace Agreement and for the parties to be open to such assistance.

10. More positively, the Ceasefire Joint Military Committee and Area Joint Military Committees played an important role during the reporting period, helping to de-escalate tension between forces on the ground. This was critical during the Malakal crisis, during which the Ceasefire Joint Military Committee convened emergency sessions, on 29 November and 3 December, facilitating an immediate ceasefire and withdrawal of forces. The body, which is chaired by UNMIS, has proved to be a highly effective forum for frank discussion between the parties, as well as the mechanism for resolving military violations of the Comprehensive Peace Agreement. I commend the Chairman of the Committee and its members for the positive role the mechanism is playing.

Political aspects

11. During celebrations marking the second anniversary of the Comprehensive Peace Agreement in Juba on 9 January, President Al-Bashir and First Vice-President Kiir publicly aired their grievances over the failures of each other's party to implement key aspects of the Agreement. The accusations traded are a direct result of the parties' lack of success in effectively using the joint mechanisms set up in the Agreement to resolve contentious issues. I am hopeful, however, that this open stocktaking might revitalize the two leaders' determination to overcome their difficulties, and I very much welcome the strong commitment of both leaders to the Agreement.

12. Some welcome progress was made on the legislative agenda. The National Constitutional Review Commission drafted several important bills for consideration by the National Assembly, including those required to establish the long-overdue National Human Rights Commission and National Civil Service Commission. Other critical commissions, including the National Electoral Commission and the Commission for the Protection of the Rights of non-Muslims in the National Capital, also have yet to be established.

13. The National Assembly has now passed a political parties law and the National Civil Service Commission Act. Meanwhile, consultations on a draft elections bill are at an early stage, and the work of the Population Census Council has also been proceeding slowly. More must be done to accelerate the work of the Council, whose national census is critical not only for the electoral process, but also for long-term development planning.

14. The Southern Sudan Legislative Assembly has approved a number of bills relating to the criminal code. However, commissions on land, the civil service, human rights, anti-corruption, relief and rehabilitation and disarmament, demobilization and reintegration have yet to be formally established, although commissioners have been appointed to many of them. While six southern states signed their constitutions into law during the reporting period, the Ministry of Justice of the Government of National Unity declared the moves unconstitutional. Meanwhile, in Southern Kordofan State, the presidency resolved a lengthy deadlock over the draft constitution, which was eventually signed into law in December.

15. There are particular concerns over the slow progress of the technical ad hoc border committee, which is supposed to demarcate the 1 January 1956 border between north and south. The committee has completed its review of maps and started work with local communities; it has not, however, begun physical demarcation. Consensual demarcation of this border would go a long way to resolving a number of potentially serious Comprehensive Peace Agreement problems, including the redeployment of military personnel, the distribution of oil revenues, the formation of Joint Integrated Units and, later, preparations for elections.

16. The Abyei issue remains extremely contentious and has been referred to a joint high political committee of the parties. However, despite appeals to the presidency for guidance, no progress has been made. On 9 January 2007, First Vice-President Kiir appealed to the Intergovernmental Authority on Development (IGAD), as well as the IGAD Partner's Forum, to assist the parties in implementing the Protocol on the Resolution of the Conflict in the Abyei Area.

17. On the ground in Abyei, a temporary relaxation of freedom-of-movement restrictions has made the entire region accessible to the United Nations. This has assisted its monitoring efforts and humanitarian activities, as well as inter-tribal negotiations and other reconciliation activities. I urge the authorities to continue to allow the Mission and all United Nations personnel to carry out their important tasks throughout the region.

18. The Ceasefire Political Commission met on 28 September and 9 November, although without the full participation of its international members. The Commission has failed to gain traction as a decision-making body, and it has rarely been able to resolve issues referred to it by the Ceasefire Joint Military Committee. Meanwhile, the Assessment and Evaluation Commission also met regularly during the reporting period and received special briefings from the Central Bank on disarmament, demobilization and reintegration, legislative transformation and the work of the border committee.

Wealth-sharing aspects

19. On the wealth-sharing agenda, the parties reached agreement on rules of procedure for the National Petroleum Commission. They also agreed to establish an independent technical secretariat of the Commission, which should help to ensure complete impartiality concerning the distribution of oil revenues. However, increasing concerns arose regarding the displacement of populations in areas of oil exploration. Provisions of the Comprehensive Peace Agreement, requiring consultation with and compensation of populations affected by resource exploitation are not systematically understood or enforced in Southern Sudan, with serious consequences for human rights and environmental protection.

20. A new national currency was launched on 9 January, marking the second anniversary of the signing of the Agreement. The new Sudanese pound will initially be distributed in Southern Sudan, replacing the multiple currencies currently in circulation. This is a big step forward, and I congratulate both parties on this achievement.

21. The roll-out of the new national currency will have an important impact on economic recovery and reconstruction. Donor support will be critical to making this

effort a success. Assistance will be especially required to sensitize the public and to support the timely and efficient distribution of the new currency.

III. Implementation of other peace processes in the Sudan

22. On 14 October, the Eritrean-mediated talks between the Sudanese Government and the Eastern Front rebel movement culminated in the signing of the Eastern Sudan Peace Agreement. So far, implementation has progressed slowly, due in part to the failure of the Eastern Front to present a list of nominees for the posts allocated to it under the Agreement. However, the state of emergency was lifted in Kassala State and Red Sea State one week after the signing, and the Agreement was passed into law by the National Assembly on 6 November. Its incorporation into the Constitution is pending discussions between NCP and its allies regarding the allocation of parliamentary seats.

23. Peace talks between the Government of Uganda and the Lord's Resistance Army (LRA) continued sporadically under the mediation of the Government of Southern Sudan. The Juba talks led to an extension of the ceasefire until 28 February 2007. However, late in the reporting period, LRA made it clear that it would no longer accept the Government of Southern Sudan as mediator and wished to relocate the talks. I regret this delay. I am, however, confident that my Special Envoy for the LRA-affected areas, former Mozambican President Chissano, will play an important role in assisting the parties to this conflict to resolve their bitter 20-year struggle. I strongly urge the parties to remain committed to finding a peaceful solution quickly.

24. As noted in the report on the latest events in Darfur (S/2006/1041), the security situation in the region remains extremely volatile, as civilian populations continue to be targeted in violation of international humanitarian and human rights law. In recent months, tens of thousands of people have been forced to flee their homes, and the total number of internally displaced persons has reached its highest level since the conflict flared up in 2003. While fighting has continued amid shifting factional allegiances, efforts to conclude local ceasefire arrangements were undermined by continued aerial bombardment of rebel positions by the Government. Violence also surged along the Chad-Sudan border, as Chadian armed opposition groups launched attacks from Darfur into Chad. Meanwhile, implementation of the Darfur Peace Agreement made only halting progress.

25. UNMIS is currently working to finalize the implementation of the "light support package" of assistance to the African Union Mission in the Sudan (AMIS). The first part of a three-phase approach that will culminate in a hybrid African Union/United Nations mission in Darfur, the package includes United Nations military and police advisory personnel, as well as material and equipment for AMIS. On 26 December, the tripartite mechanism established by the United Nations, the African Union, and the Government of National Unity to facilitate implementation of the three-phase approach resolved several outstanding issues, including the attire of United Nations military and police personnel deployed under the light support package, who will wear their national uniforms, blue berets and African Union armbands.

26. The United Nations and the African Union held a final round of consultations in Khartoum from 18 to 20 January to finalize the "heavy support package", the

second step of the three-phase approach. The package, which includes a range of force enablers, three formed police units, civilian personnel and mission support items, was transmitted to President Al-Bashir on 24 January in separate letters from African Union Chairperson Konaré and the Secretary-General. It is expected that the tripartite mechanism will also facilitate the implementation of this package. The African Union and the United Nations held additional consultations from 22 to 24 January on their hybrid operation. The consultations focused on the basic requirements of the operation, including its essential characteristics such as mandate, force size and command and control arrangements.

IV. Implementation of the mandate of the United Nations Mission in the Sudan

Political support and reconciliation

27. As part of its good offices mandate to help resolve ongoing conflicts in the Sudan, UNMIS worked with politicians and local communities in Southern Sudan to promote the Comprehensive Peace Agreement and the Southern Sudan Interim Constitution. Peace and reconciliation efforts continued, especially following tensions in Juba, Rumbek and Malakal. In Abyei, UNMIS undertook a three-day helicopter peace mission with Misseriya and Dinka Ngok traditional leaders to promote peaceful coexistence along nomadic migration routes. In the peace process between the Government of Uganda and LRA, UNMIS provided aviation support to Cessation of Hostilities Monitoring Team patrols as well as flights to the assembly areas for the parties or associated individuals when necessary.

28. UNMIS also remained actively engaged in the efforts to find a political solution to the conflict in Darfur (see S/2006/1041). Further to the high-level discussions held in late November in Addis Ababa, UNMIS and the African Union are working to chart a course to re-engage the non-signatories to the Darfur Peace Agreement in the political process. UNMIS has also held events throughout Darfur to disseminate the Agreement and plan for the Darfur-Darfur Dialogue and Consultation. Meanwhile, my new Special Envoy, Jan Eliasson, visited the region, and will be working closely with the African Union over the coming weeks and months to move the peace process forward.

Military deployment and activities

29. As at 10 January, 94 per cent of mandated UNMIS military personnel (9,322 out of a total of 9,831) had been deployed, including 579 United Nations military observers, 181 staff officers and 8,514 troops from troop-contributing countries. While team sites have now been established throughout the Mission's area of operations, planning is under way to set up three additional sites at Raga in Western Bahr Al Ghazal, Talodi in Southern Kordofan and Baw in Blue Nile State. In line with the Security Council's request to reduce the military component, taking into account progress made on the ground, UNMIS has now fully withdrawn the Nepalese component that had been based in eastern Sudan, and is also adjusting its number of military observers from 750 to 625.

30. The military component continues its monitoring and verification activities throughout its area of operations. The increased tension where other armed groups

continue to operate and the growing number of violent clashes has stretched the force in some areas, especially where additional team sites have been established. The force has increasingly played a proactive arbitration and humanitarian role in resolving other armed group and ethnic clashes in the Malakal region and elsewhere. It also provided river transport and escort for a Government of Southern Sudan investigative and reconciliation committee having the task of resolving an intra-tribal dispute in Jonglei State.

31. At the same time, the military component has been undertaking civil-military cooperation tasks in support of local communities, including the building and equipping of a medical clinic, the construction and grading of roads and the building of ablution facilities. With the start of the dry season, temporary repairs to sections of the Ed Damazin-Dindirou-Kurmuk road by UNMIS force engineering assets assisted in the return of refugees from Ethiopia. Wherever possible, local labour is trained to carry out such tasks, enabling individuals to gain vocational training and experience.

Disarmament, demobilization and reintegration

32. The parties have made some progress on the planning of disarmament, demobilization and reintegration programmes. The National Council for Disarmament, Demobilization and Reintegration Coordination, decreed by the presidency in February 2006, finally met in December. It requested the submission of a comprehensive disarmament, demobilization and reintegration programme for the north and the south, and started to give much-needed attention to the problem of the armed militia. The Council is key to creating a favourable political and operational environment for disarmament, demobilization and reintegration. It should now establish appropriate eligibility criteria for entry into the programme and oversee the ongoing registration of members of SAF and SPLA.

33. There continues to be modest progress in the interim disarmament, demobilization and reintegration programme, focusing on special groups (women, children and the disabled). During the reporting period, 211 children were demobilized and reunited with their families, the majority of which are enrolled in school and benefit from community-based child protection network programmes. Continued national and international support is required to strengthen the northern and southern Sudan Disarmament, Demobilization and Reintegration Commissions in order to better implement the interim programme and plan for the next phase of the programme focusing on SAF, SPLA and the other armed groups.

34. In planning for the main disarmament, demobilization and reintegration programme, UNMIS supported the Disarmament, Demobilization and Reintegration Commission in the pre-registration of 60,477 soldiers and members of other armed groups for voluntary disarmament, demobilization and reintegration. This included 22,026 regular SAF soldiers, 17,000 members of the Popular Defence Forces, 5,000 disabled soldiers and 16,451 members of other armed groups aligned with SAF. In the south, SPLA continues to finalize its list of combatants. Once the lists have been completed, UNMIS will assist the two Disarmament, Demobilization and Reintegration Commissions in verifying the numbers. Eventual acceptance into the disarmament, demobilization and reintegration programme needs to be based strictly on properly formulated eligibility criteria established by the National Council.

Proper vetting during the planning stage will yield significantly better results when the disarmament, demobilization and reintegration programme commences.

Electoral assistance

35. With the midterm elections set for 2008 or 2009, UNMIS is starting to build its capacity to meet the technical assistance requirements in support of electoral preparations. As noted above, the requisite electoral legislation remains to be passed. The Mission's electoral activities have thus far focused on tracking and monitoring progress in developing the legal framework for elections, particularly the draft elections law, rules for the registration of political parties and the establishment of the National Electoral Commission, as required by the Comprehensive Peace Agreement. A mechanism for coordination of international assistance was established in early December, which will aim to identify areas of cooperation and optimize resource allocation among donors and international partners.

Police

36. As at 5 January, UNMIS had deployed 662 United Nations police officers from 44 countries, who are currently stationed at 19 team sites, representing 93 per cent of the authorized strength.

37. UNMIS continued to support the development of the Southern Sudan Police Service, working with the newly established Police Development Committee (PDC), including through the registration of police officers. During the reporting period, the Mission began to implement its strategy of co-locating its police advisers with local police forces. By early December, 74 United Nations police advisers were based at 27 local police stations in Southern Sudan, and additional advisers were located at 8 police stations in the transitional areas, proactively assisting local counterparts to perform their duties and carrying out on-site training activities. Senior United Nations police advisers were also attached to senior Southern Sudan Police Service officers responsible for planning. UNMIS is widening its community policing programmes, including within transit camps for internally displaced persons.

38. The Mission has also worked to deepen its engagement with the police service in northern Sudan. In December, UNMIS, the United Nations Development Programme (UNDP) and the police service signed a letter of collaboration enabling the provision of police training in northern Sudan. The Government of National Unity Ministry of Interior also agreed to establish a Police Development Committee to coordinate cooperation with United Nations police and donors. Detailed training needs and requests to donors can now be discussed in the Police Development Committee forum, and the Governments of Norway and Denmark have already offered assistance. As noted in previous reports, other donors are strongly urged to come forward to assist in this critical aspect of the UNMIS mandate.

Human rights

39. UNMIS continued active human rights monitoring during the reporting period. Particular human rights abuses occurred during the hostilities in Malakal, when SAF, its allied armed groups and SPLA failed to discriminate between combatants and non-combatants and used disproportionate violence resulting in a high toll on civilians. Meanwhile, chronic concerns over the proliferation of weapons, the

continuing existence of other armed groups, weak command and control among armed elements and a lack of rule of law added to the insecurity, which continues to expose civilians to unnecessary and unpredictable violence.

40. Particular concerns surround the displacement of civilians associated with oil development. An UNMIS analysis of the impact of oil exploration found that companies were employing environmentally unsound methods. Hazardous waste is regularly dumped into civilian water supply areas, while roads to oil installations destroy farmland and livelihoods. At the same time, commitments under the Comprehensive Peace Agreement relating to consultation and compensation for land confiscation and displacement are not being implemented.

41. UNMIS continued to support the formation of human rights mechanisms provided for in the Agreement and held a number of workshops over the reporting period. In Southern Sudan, UNMIS supported commissioners appointed to the Southern Sudan Human Rights Commission, including in the development of enabling legislation and an annual budget and in strategic planning. Work was adversely affected by the expulsion of a staff member in October.

Rule of law

42. UNMIS continued to support parties, parliamentarians and civil society engaged in law reform, including through the organization of workshops and seminars. In that connection, UNMIS supported a seminar on parliamentary oversight of the security sector ahead of the upcoming debate on a new security bill and provided technical assistance in the drafting of the Khartoum State children's bill. The Mission also provided substantive advice to the drafting of the prison services bill for Southern Sudan. UNDP continued to provide capacity-building support to legal professionals, including paralegals, lawyers, police, prosecutors, judges and prison service personnel.

43. In response to a request by UNMIS, the Governments of Ghana and Kenya have offered to assist in training Southern Sudan prison staff in Accra and Nairobi. In November, UNMIS initiated the establishment of a Prisons Development Committee in Juba to provide policy direction to prison officials regarding reform in Southern Sudan. In collaboration with Government of Southern Sudan authorities, the Mission has started registering all staff of the Prisons Service of Southern Sudan and is providing training on minimum standards for the treatment of prisoners and on basic prison management.

Public information

44. UNMIS Radio (Miraya/Mirror FM) continued to build listenership in the south. Repeater stations are now operating in Wau and Malakal. Miraya FM is also producing programmes on the Comprehensive and Darfur Peace Agreements for rebroadcast on some state radio stations in the south, in Southern Kordofan and, in cooperation with AMIS, in Darfur. The United Nations station is also assisting southern state radio stations through quick-impact projects and technical advice. Plans to boost listenership through short-wave radio and via a website with audio capability are ongoing. However, despite regular meetings with the Government, UNMIS still has no agreement to broadcast.

45. UNMIS has continued to provide public information support to AMIS with the loan of staff and equipment, website support and presentations on the Darfur Peace Agreement. This support will build with the recruitment of additional public information staff within the light support package. In the south, regular CPA presentations and workshops with community leaders on the Comprehensive Peace Agreement have continued, along with United Nations police and military training in the dissemination of information on the Agreement. In the north, in spite of positive interaction with some individuals and universities on issues pertaining to the Agreement and the role of UNMIS in the country, there remains an overall reluctance on the part of northern institutions and individuals to embrace the United Nations message.

Humanitarian assistance

46. The 2007 United Nations and partners' workplan was launched in Geneva on 14 December. The workplan focuses on continued support for the implementation of the Comprehensive Peace Agreement, expanded recovery and development activities, an increased emphasis on reintegration initiatives for returning populations and the continued provision of humanitarian assistance. The total cost of assistance is some $1.26 billion for humanitarian activities and $560 million for recovery and development. Relative to 2006, the workplan reflects an increased focus on the delivery of an assistance package for the reconstruction and economic development of the Sudan.

47. In October, violence along roads east of Juba in Southern Sudan severely impeded access for aid workers. The clashes in Malakal in November led the United Nations to relocate temporarily 230 non-essential United Nations and non-governmental organization personnel. Civilian displacement also occurred and, although many people have returned, some civilians still seek help to move north. Humanitarian agencies rapidly undertook the disposal of bodies, the provision of water points and chlorine and the restocking of hospital medicine and supplies in the aftermath of the ceasefire.

48. In Darfur (see S/2006/1041), humanitarian access was significantly curtailed and aid workers were increasingly targeted. Because of ongoing fighting, humanitarian staff frequently had to be relocated temporarily, and organizations' operational capacities and access to populations were seriously reduced. However, mortality rates in Darfur have dropped for the second consecutive year, and malnutrition rates remain under control.

Protection of civilians

49. As noted above, widespread insecurity continued to adversely affect civilian protection. During the fighting in Malakal in November, UNMIS personnel worked to identify and refer emergency needs of the civilian population and to establish casualty figures and damage assessments. Elsewhere, the reporting period saw rising tensions within ethnic and tribal communities and placed at-risk civilian populations out of the reach of humanitarian assistance. Protection staff provided early warning and analysis of those issues and forged joint responses with agencies and non-governmental organizations through protection working groups.

50. Children continue to be associated with armed forces and groups. United Nations field teams identified scores of child soldiers in the ranks of the Pibor

Defence Forces in Jonglei State and in the Southern Sudan Defence Forces in Upper Nile State. Targeted efforts to sensitize stakeholders in the affected areas were stepped up in Pibor. Child protection staff facilitated the release of children in Wau and remain on standby as efforts to demobilize children in Bentiu proceed. Meanwhile, despite assurances to the former Emergency Relief Coordinator that it would release its considerable number of women and children, the Lord's Resistance Army has shown no sign of doing so. Work was adversely affected by the expulsion of a staff member in October.

51. The situation in Darfur diverted valuable protection resources from the chronic problems in Southern Sudan and the transitional areas. In Darfur, advocacy on protection issues has been ill received by the local authorities, and dialogue has become increasingly confrontational, as witnessed in particular by the ejection of the Norwegian Refugee Council. As non-governmental organizations reduced their protection activities, joint United Nations protection working groups sought to maintain accurate reporting and identify alternative channels for assistance.

Returns

52. The start of the dry season in November marked the beginning of the 2006/07 return season. In an unprecedented development, the Government of National Unity, the Government of Southern Sudan, UNMIS and the United Nations country team agreed to a single joint plan for the organized return of some 200,000 internally displaced persons. By December 2007, the three parties aim to return 150,000 people from Khartoum and other northern states and a further 48,000 people from other locations to Southern Sudan and Blue Nile State. In a demonstration of the seriousness of their commitment, the Government of National Unity and the Government of Southern Sudan have together contributed $51 million towards the operation, $24 million of which has already been allocated by the Government of Southern Sudan. This operation is seen by all parties as a significant step forward.

53. In greater Khartoum, the United Nations pursues its efforts to monitor the conditions of internally displaced persons through community-based mechanisms, specific assessments and dialogue with the competent authorities. In Darfur, as the dry season begins, state authorities have begun to apply pressure on the United Nations to begin returns. This year the context in Darfur makes returns even less appropriate than in 2006. However, the United Nations continues to engage the Government and has agreed to jointly assess areas to which returns may be feasible, in accordance with existing policies.

Mine action

54. Landmines and unexploded ordnance continue to present a major threat to the population in many parts of the Sudan, as well as to United Nations and non-governmental organization personnel operating on the ground. Although severely hampered by rains at the beginning of the reporting period, UNMIS mine action teams have made steady progress. Over 9.5 million square metres of suspected dangerous areas have been cleared, as well as some 2,500 anti-personnel mines, 1,000 anti-tank mines and some 500,000 pieces of unexploded ordnance and small arms ammunition. UNMIS and the United Nations Children's Fund provided mine-risk education to more than 950,000 people. UNMIS provided briefings on

landmine safety to over 6,200 Mission staff, agencies and non-governmental organizations and trained more than 200 staff as trainers.

55. UNMIS mine action teams continued to work on roads and in communities that have been prioritized in the Nuba Mountains, Juba, Rumbek, Wau, Yei, Malakal, Ed Damazin, Darfur and Kassala. For the first time, a United Nations mine action team was able to survey the roads around Hameshkoreib in eastern Sudan after the SPLA withdrawal and identified several dangerous areas for further clearance. All five UNMIS demining contingents from Bangladesh, Cambodia, Egypt, Kenya and Pakistan have commenced operations. Demining activity, which is a prerequisite for further development activities in the Sudan, requires continuous support from the international community.

Economic recovery and reconstruction

56. Economic recovery and reconstruction is a critical activity in Southern Sudan and the transitional areas. The United Nations has increased its programming significantly in support of Government counterparts and local actors, including through the multi-donor trust fund for Southern Sudan. The trust fund has approved projects worth $235.3 million to support Government capacity-building, reform of the judiciary, health, education, water and sanitation, infrastructure development, livestock and the census. There are also projects planned for support for the states, agriculture, the rule of law, HIV/AIDS programmes and private sector development. Although progress in the transitional areas has been slower, the World Bank reports that over 40 per cent of total national multi-donor trust fund project commitments are earmarked for those areas ($38 million out of about $90 million total). Specific programmes focusing on capacity-building and basic social services for Southern Kordofan and Blue Nile States are currently under development.

57. Although the delivery of these and other peace dividends has been offset by slower than expected disbursement through the multi-donor trust funds, the achievements made so far in Southern Sudan give cause for optimism. These include an expansion of markets and an increase in trade, with a significant reduction in the cost of basic items in key locations, such as Juba. The opening of roads has also led to an increased movement of people and investment in the private sector in Southern Sudan. There has also been significant progress in establishing key Government functions and bodies, although functions relating to payroll, procurement and treasury systems have yet to become fully operational. The roll-out of the new national currency in 2007, which will focus in the initial stages on the south, will give a further boost to private sector development. Overall, economic indicators relating to growth, inflation and foreign direct investment remain strong.

58. Further to the signature of the Eastern Sudan Peace Agreement, the 2007 United Nations and partners' workplan includes a focus on recovery and development of the eastern states, including alignment with priorities set out in the Agreement and the Government's five-year plan. Progress in Darfur with respect to the joint assessment mission came to a halt because of the prevailing insecurity. The assessment mission will be concluded when conditions improve.

Gender

59. In connection with the upcoming elections in 2008-2009, the Gender Unit initiated an assessment of the technical support needs of prospective women

candidates from political parties in both the north and the south. In Southern Sudan, UNMIS has been promoting implementation of the 25 per cent quota for women stipulated in the Southern Sudan Interim Constitution. The Unit is also strengthening dialogue and cooperation with the AMIS gender office. In Darfur, UNMIS continues to advocate for effective mechanisms to prevent and respond to gender-based violence. Training activities targeting mission personnel and national partners were also undertaken, including for police personnel of the Government of Southern Sudan. The Unit also conducted activities to mark the sixth anniversary of the adoption by the Security Council of its resolution 1325 (2000).

HIV/AIDS

60. The HIV/AIDS Unit conducted further training of HIV/AIDS peer educators, bringing the total number of trained educators to 154, and sensitized 2,000 peacekeepers. Voluntary confidential counselling and testing services were offered to 70 Mission personnel. Through its six regional HIV committees, the Unit helped to sensitize some 61,690 members of the uniformed services and the general population in the Sudan in 2006. UNMIS also organized workshops throughout the Mission area marking World AIDS Day.

Conduct and discipline

61. During the reporting period, 29 new cases of misconduct were reported to the conduct and discipline team, two of which were classified as serious misconduct and referred to the Office of Internal Oversight Services (OIOS) for investigation. Delays in reporting the outcome of OIOS investigations need to be addressed to build confidence and avoid impunity. The conduct and discipline team also continued its activities to ensure that all Mission personnel complied with the United Nations code of conduct for the Sudan. Newly deployed civilian staff, military observers and police personnel received briefings on United Nations standards of conduct and the United Nations policy of zero tolerance for sexual exploitation and abuse. UNMIS, United Nations agencies and international non-governmental organizations began a joint assessment of southern communities' perceptions and risk factors conducive to misconduct.

62. At the end of the reporting period, allegations of sexual exploitation and abuse were levelled at UNMIS personnel in Juba. I wish to make clear that I will not tolerate this behaviour within the United Nations. The zero-tolerance policy, meaning zero complacency and zero impunity, will be strictly enforced. I pledge that all allegations will be followed up systematically by relevant United Nations mechanisms, working with local authorities and other partners, including troop-contributing countries, to ensure that this kind of behaviour is rooted out wherever it exists. When necessary, strong disciplinary action will be taken. In this connection, I would call upon all peacekeeping partners, including members of the press, to come forward with any information they may have in their possession to help us deal with the problem.

Civilian staffing

63. UNMIS continues to face serious problems in recruiting and retaining well-qualified international and nationally recruited staff members. The Mission carried out aggressive recruitment campaigns for international and national staff with the

assistance of Department of Peacekeeping Operations recruitment teams, as well as staff temporarily assigned from other missions. As a result, civilian staff strength rose to 827 international staff (out of a total of 1,139 posts), 2,229 national staff (out of a total of 3,342 posts) and 177 United Nations Volunteers (out of a total of 231 posts).

V. Challenges in mandate implementation

64. UNMIS continues to face considerable challenges in carrying out its mandate and daily tasks. Since its inception, the Mission has had to operate in an atmosphere of opposition on the part of some political forces to the multidimensional mandate given to it by the Security Council in its resolution 1590 (2005). The Government's overall attitude towards the Mission has been considerably amplified as a result of the intense discussions that have unfolded over recent months concerning a possible United Nations peacekeeping role in Darfur. UNMIS regularly faces bureaucratic obstacles from the authorities, an alarming number of crises and forced evacuations from its offices in Darfur and in Southern Sudan, a latent terrorist threat and multiple mission support and logistical problems due in part to the difficult environment in which the Mission operates, as well as the increasing demands supporting its growing role in Darfur.

65. On 22 October, the Government informed my predecessor that it had decided to "terminate" the mission of Special Representative Jan Pronk and requested him to leave the Sudan within 72 hours. The United Nations strongly protested that decision and made it clear that only the Secretary-General could decide on the tenure of his Special Representatives. The unfortunate episode amplifies the imperative to resolve existing issues through dialogue and consultation. Mr. Pronk later returned to the Sudan for a short farewell visit prior to the expiration of his contract at the end of the year.

66. There are other concerns about the commitment to the letter and spirit of the agreement that governs relations between the Mission and the Sudanese authorities. On 26 September, two staff members, while monitoring demonstrations at Khartoum University, were detained and threatened, and United Nations equipment was confiscated by unidentified security personnel. They were subsequently declared personae non gratae and required to leave the Sudan. I specifically appeal to the Government of National Unity to allow those two staff members back into the country in a spirit of good faith and understanding.

67. Meanwhile, recurring restrictions on local freedom of movement hindered the work of both UNMIS, in parts of its area of operations south of Khartoum, and other United Nations and non-governmental organization partners in Darfur, which were often not authorized to operate without travel permits from the authorities.

68. At the same time, delays in clearing UNMIS materiel through customs continued to create serious problems for the Mission, which have occasionally left the military component short of vital rations and communications equipment. Despite frequent discussions with the Government, no lasting solution to this problem has been found.

69. In the context of the intense international focus on Darfur, as well as the daily challenges faced by UNMIS on the ground, the Mission has at times found it

difficult to assist the parties to the Comprehensive Peace Agreement in carrying out their considerable commitments. The sheer size of the country, as well as the lack of transport and communications infrastructure on the ground, have stretched United Nations support mechanisms and require the decentralization of some functions from Khartoum to the regions. I have initiated preliminary steps in that direction by appointing a senior official who will be responsible for coordinating all Mission activities in Southern Sudan and representing the Head of Mission on a day-to-day basis with the Government of Southern Sudan. The implications of this decentralization, which would delegate increased levels of authority to the field, will be met from existing resources for the immediate period. Any future changes having an impact on current administration and support structures will be reflected in future reports to the Security Council and subsequent budgetary submissions.

VI. Financial implications

70. The General Assembly, by its resolution 60/122 B, appropriated the amount of $1,079,534,400, equivalent to $89,961,200 per month, for UNMIS for the period from 1 July 2006 to 30 June 2007. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2007, the cost of maintaining the Mission until 30 June 2007 would be limited to the amounts approved by the Assembly.

71. As at 31 October 2006, unpaid assessed contributions to the Special Account for UNMIS amounted to $524.0 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,541.8 million.

72. Reimbursement of troop- and contingent-owned equipment costs have been made for the period up to 31 October 2006, in accordance with the payment schedule.

VII. Observations

73. While the parties have achieved significant progress in implementing the Comprehensive Peace Agreement, much remains to be done if they are to establish an inclusive and constitutional democracy in which unity is made attractive to voters in Southern Sudan. On the second anniversary of the Agreement, I am concerned that the "spirit of Naivasha", which resulted in a historic agreement two years ago, has been somewhat elusive, especially in recent months, and that the consensus created by the accords has been overshadowed by distrust and uncertainty.

74. The recent crisis in Malakal is a reminder that the hard-won Agreement is not yet stable or self-sustaining, but needs constant encouragement. Mistrust between the parties remains a serious obstacle, potential spoilers still exist and the war in Darfur has diverted international attention and support from implementation of the Agreement. In the context of rising tensions in the region, peace in Southern Sudan needs renewed and sustained attention. The coming year should be a year of increased focus on the Agreement to protect the gains made so far and to give the Sudan a stable basis on which to move forward. I pledge my personal commitment to this goal.

75. In that regard, there is a critical nexus of security issues where progress is required if peace is to hold in 2007. By 9 July, SAF must complete its redeployment north of the 1 January 1956 border. While redeployment of SPLA is predicated on the formation of Joint Integrated Units, this is now behind the schedule set out in the Agreement. The parties need to resolve this issue and keep to their redeployment commitments. Importantly, the redeployment targets do not apply only to regular forces, but also to other armed groups aligned with the parties.

76. The violence in Malakal underscored not only the need for other armed groups to be integrated as a matter of priority, but also that Joint Integrated Units do not yet function as the foundation of a possible future national army and as guarantors of security and stability. The need to ensure security around sensitive areas, including oil installations, is particularly pertinent. Unfortunately, there remains an acute security dilemma for both parties over the management of strategic areas. There is significant risk that what happened in Malakal could happen in other areas of Southern Sudan.

77. Both parties must cease using militias as proxy forces and make the integration of other armed groups a top priority. Building on the commitment to a joint solution agreed during President Al-Bashir's visit to Juba in November 2006, the parties should establish the ad hoc incorporation and reintegration committees provided for in the Agreement and work in earnest through the Other Armed Groups Collaborative Committee and the National Council for Disarmament, Demobilization and Reintegration Coordination for the integration or demobilization of all armed militias. As noted in paragraph 33 above, international support for the disarmament, demobilization and reintegration mechanisms will continue to be critical to implementation.

78. Equally urgent is the agreement of a joint doctrine and training programme for Joint Integrated Units. As the Sudanese Armed Forces depart Southern Sudan, the ability of the Units to provide security will be critical. If the Units are not integrated, professional and well regulated, they risk becoming part of the problem rather than part of the solution. The Joint Defence Board has previously requested help from the international community to develop the Joint Integrated Units. The Comprehensive Peace Agreement also specifically states that the parties would call upon the international community to provide technical, material and financial support to assist in forming and training the Units. I call upon Member States with experience and expertise in security sector reform to urgently second experts to assist UNMIS in this area, working with the Joint Defence Board to develop an integrated programme of assistance.

79. I urge the parties to begin in earnest the demarcation of the 1 January 1956 border and to agree the status of Abyei. It must be recognized that if the border issue is not resolved expeditiously, it might be difficult to verify full redeployment in July 2007. Where it is required, the international community should provide financial and technical support to the technical ad hoc border committee.

80. The commitment of both parties to develop professional and accountable police services in line with the Comprehensive Peace Agreement is a most welcome sign. The Police Development Committee in Southern Sudan and the newly created Police Development Committee in the north are important forums that bring together the respective police experts from the Sudan, the United Nations, non-governmental organizations and representatives of donor countries. I encourage

the Committees to work energetically to identify training and logistical needs and urge donors to liaise closely with them to ensure that capacity-building assistance to the police is well coordinated and targeted.

81. Some of the central institutions within the Comprehensive Peace Agreement need to be more effective than they have been so far. One such institution is the Assessment and Evaluation Commission, which has a critical oversight function over the Agreement and has been given the task of supporting the parties in their commitment to "make unity attractive". Equally, the Ceasefire Political Commission must function more effectively, and the parties should use the planned review of its activities to revitalize this important forum in 2007. It is recognized that UNMIS could play a more prominent role within the Assessment and Evaluation Commission, and I intend to actively support this. So too should the broader international community, and especially those countries with an interest in Sudanese peace and development, become more active in both Commissions, as well as outside their framework.

82. Despite the public airing of disagreements during the celebrations marking the second anniversary of the Agreement, there seems to be a generally improved partnership in recent weeks between NCP and SPLM, which has enabled progress on important areas, like the National Petroleum Commission. I am concerned, however, that the parties still appear reluctant to tackle resolutely difficult issues in the institutions provided for in the Agreement, preferring instead to resort to informal discussions. If the Agreement is to take deeper root, more must be done to improve transparency in political decision-making and to improve the capacity of all parties to participate in the political process. Donor support in building the capacity of political parties and parliamentary institutions will also remain essential.

83. It is time to begin the process of ensuring that conditions are in place for a free and fair electoral process, expected in 2008 or 2009. The enactment of electoral legislation and the establishment of the Electoral Commission are long overdue. I hope that the parties will move forward rapidly with the creation of the Commission, which will then need the political, financial and technical support of donors to prepare for the polls.

84. Two years after the signing of the Agreement, it is particularly crucial to provide tangible benefits of peace to the people of the Sudan. In its resolution 1590 (2005), the Security Council urged rapid delivery of an assistance package for the reconstruction and economic development of the Sudan. In practice, progress has been slower than expected, especially in Southern Sudan. I welcome the discussions now under way with the Government of Southern Sudan and other key stakeholders to establish a "second window" for the multi-donor trust fund for Southern Sudan, which would be administered by the United Nations and which would emphasize expeditious implementation in areas of urgent need. At the same time, the wider exploitation of resources in Southern Sudan must be carried out responsibly, so that accelerating economic development results in a genuine peace dividend for the population at large.

85. International concern with the situation in Darfur in the past two years has, understandably, diverted significant attention, as well as human and financial resources, away from implementation of the Comprehensive Peace Agreement. In this respect, Darfur is not just a human tragedy, it also reflects negatively on the central precept of the Agreement, that Sudanese unity should be made attractive to

Southern Sudanese voters. A swift, peaceful resolution to the conflict in Darfur could go a long way towards restoring trust between the parties to the Agreement. Conversely, the longer the conflict drags on, the harder it will be to persuade the Southern Sudanese that their best interests lie within a united Sudan.

86. It is also crucial to remember that the Agreement is the bedrock and foundation of all subsequent agreements, including the Darfur Peace Agreement. Therefore, sustained international support for this complex Agreement will be indispensable. I am convinced that 2007 should be a year of renewed support and engagement on the Agreement. As a centrepiece, I fully support the recent announcement by IGAD that it, as sponsor and mediator of the Agreement, plans to convene a major meeting to assess implementation of the Agreement in July 2007.

87. While calling for additional support for the Agreement, I request that both parties continue to give their full support to the United Nations in its efforts to assist them in implementing the Agreement. As I begin my term as Secretary-General, I want to assure both parties that the Organization will remain an entirely impartial arbiter, committed to bringing peace and development to all the Sudanese people. In return, I ask for fairness from both parties, for dialogue and mutual understanding and for a commitment to assist the United Nations in carrying out its mandated role.

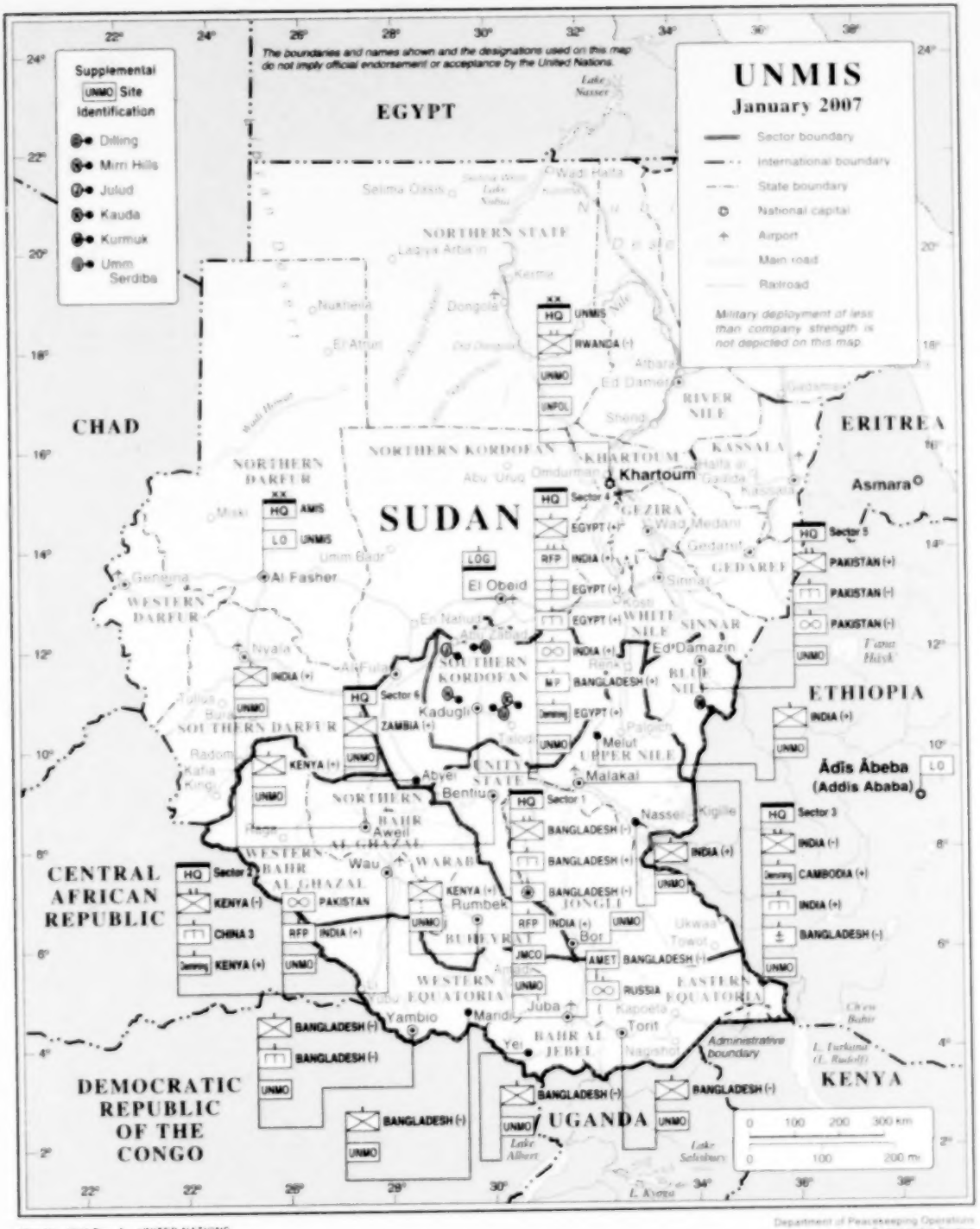
88. In conclusion, I wish to thank all United Nations personnel in the Sudan for their tireless service in support of the Agreement and for helping to resolve the conflict in Darfur. Thanks to their efforts, the United Nations is ready to further assist the Sudanese people and authorities in implementing their historic agreements.

Annex 1

Military and police component as at 31 December 2006

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Argentina	—	—	—	—	—	—	—	—	11	—
Australia	5	1	5	4	—	—	—	—	8	2
Bangladesh	22	—	29	—	1 499	—	1 550	—	18	1
Belgium	5	—	—	—	—	—	5	—	—	—
Benin	7	—	—	—	—	—	7	—	—	—
Bolivia	15	—	—	—	—	—	15	—	—	—
Bosnia and Herzegovina	—	—	—	—	—	—	—	—	1	1
Botswana	5	—	—	—	—	—	5	—	—	—
Brazil	14	—	—	—	—	—	14	—	3	—
Burkina Faso	7	—	—	—	—	—	7	—	—	—
Cambodia	15	—	1	—	135	—	151	—	—	—
Canada	14	1	6	1	—	—	20	2	2	—
China	14	—	11	—	428	7	453	7	7	2
Croatia	—	—	5	—	—	—	5	—	—	—
Denmark	10	—	6	—	—	—	16	—	2	—
Ecuador	20	—	—	—	—	—	20	—	—	—
Egypt	18	—	22	—	781	15	821	15	2	—
El Salvador	5	—	—	—	—	—	5	—	4	1
Fiji	8	—	—	—	—	—	8	—	4	3
Finland	—	—	2	—	—	—	2	—	2	—
Gabon	6	—	—	—	—	—	6	—	—	—
Gambia	—	—	—	—	—	—	—	—	—	4
Germany	31	—	4	—	—	—	35	—	5	—
Ghana	—	—	3	—	—	—	3	—	35	6
Greece	4	—	2	—	—	—	6	—	—	—
Guatemala	8	—	—	—	—	—	8	—	—	—
Guinea	14	—	—	—	—	—	14	—	—	—
India	21	—	26	—	2 576	4	2 623	4	26	2
Indonesia	13	—	—	—	—	—	13	—	—	—
Jamaica	—	—	—	—	—	—	—	—	3	2
Jordan	12	—	7	—	—	—	19	—	21	—
Kenya	5	1	11	—	780	32	796	33	18	2
Korea	7	—	—	—	—	—	7	—	—	—
Kyrgyzstan	6	3	—	—	—	—	6	3	1	—
Malawi	6	—	1	—	—	—	7	—	—	—

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Malaysia	8	—	3	—	—	—	11	—	10	—
Mali	14	—	—	—	—	—	14	—	—	—
Moldova	2	—	—	—	—	—	2	—	—	—
Mongolia	2	—	—	—	—	—	2	—	—	—
Mozambique	2	—	—	—	—	—	2	—	—	—
Namibia	9	—	—	—	—	—	9	—	1	—
Nepal	8	2	5	—	—	—	13	2	49	1
Netherlands	7	—	2	—	—	—	9	—	6	—
New Zealand	2	—	1	—	—	—	3	—	—	—
Nigeria	13	—	5	1	—	—	18	1	50	3
Norway	17	—	9	—	—	—	26	—	4	—
Pakistan	23	—	20	—	1 538	—	1 581	—	42	—
Paraguay	6	—	—	—	—	—	6	—	—	—
Peru	12	—	—	—	—	—	12	—	—	—
Philippines	6	—	—	—	—	—	6	—	56	—
Poland	2	—	—	—	—	—	2	—	—	—
Romania	12	—	—	—	—	—	12	—	—	—
Russian Federation	15	—	3	—	120	—	138	—	11	—
Rwanda	15	—	7	—	254	—	276	—	24	—
Samoa	—	—	—	—	—	—	—	—	17	—
South Africa	—	—	1	—	—	—	1	—	—	—
Sri Lanka	—	—	—	—	—	—	—	—	13	1
Sweden	3	—	2	—	—	—	5	—	9	1
United Republic of Tanzania	9	—	2	—	—	—	11	—	2	—
Thailand	14	1	—	—	—	—	14	1	—	—
Turkey	—	—	4	—	—	—	4	—	28	—
Uganda	9	—	—	—	—	—	9	—	17	2
Ukraine	8	—	—	—	—	—	8	—	21	1
United Kingdom	—	—	3	—	—	—	3	—	—	—
United States	—	—	—	—	—	—	—	—	7	2
Uruguay	—	—	—	—	—	—	—	—	2	—
Vanuatu	—	—	—	—	—	—	—	—	6	—
Yemen	16	—	—	—	—	—	16	—	3	—
Zambia	15	2	7	—	303	39	325	41	21	—
Zimbabwe	13	2	2	—	—	—	15	2	25	8
Total per gender	**579**	**13**	**217**	**6**	**8 414**	**97**	**9 200**	**111**	**597**	**45**
Total	**592**		**223**		**8 511**		**9 311**		**641**	



Map No. 4249 Rev. 6 UNITED NATIONS
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Department of Peacekeeping Operations
Cartographic Section

United Nations S/2007/43

Security Council

Distr.: General
29 January 2007

Original: English

Letter dated 29 January 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1731 (2006) concerning Liberia, adopted on 20 December 2006, by which the Council decided to extend the mandate of the Panel of Experts appointed pursuant to resolution 1689 (2006) for a further period, until 20 June 2007. In paragraph 5 of resolution 1731 (2006) the Council also requested me to reappoint the members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel.

Accordingly, I wish to inform you that I have reappointed the following persons to serve on the Panel of Experts for a period ending on 20 June 2007.

1. Mr. Arthur Gregory Blundell (Canada)
2. Mr. Damien Callamand (France)
3. Mr. Caspar Fithen (United Kingdom of Great Britain and Northern Ireland)
4. Mr. Tommy Garnett (Sierra Leone)
5. Mr. Rajiva Bhushan Sinha (India)

I have designated Mr. Blundell to serve as the Chairman of the Panel of Experts.

I should be grateful if you could bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-22456 (E) 300107

United Nations S/2007/44

Security Council

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29 January 2007

Original: English

Letter dated 29 January 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1735 (2006), adopted by the Security Council on 22 December 2006, concerning the Al-Qaida and Taliban sanctions regime. In paragraph 32 of that resolution, the Security Council decided to extend the mandate of the New York-based Monitoring Team, appointed pursuant to paragraph 20 of resolution 1617 (2005), for a period of 18 months. The Council also requested me to make the necessary arrangements to that effect.

Accordingly, I wish to inform you that I have reappointed the following seven experts for a period ending on 30 June 2008. Efforts are being made to identify a replacement of the eighth expert. Once this candidate has been identified, I will take the appropriate action.

1. Mr. Richard Barrett (United Kingdom of Great Britain and Northern Ireland)
2. Ms. Christine Lee (Singapore)
3. Mr. John E. Smith (United States of America)
4. Mr. Wilson C. Kalumba (Zambia)
5. Mr. Victor Shtoyunda (Russian Federation)
6. Mr. Franck Kasbarian (France)
7. Ms. Hidemi Yuki (Japan)

I have selected Mr. Barrett to continue serving as the Coordinator of the Monitoring Team.

I should be grateful if you could bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-22462 (E) 300107

United Nations A/61/721–S/2007/45

General Assembly
Security Council

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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 29 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations during the period from 15 to 21 January 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

07-22416 (E) 300107 300107

Annex to the identical letters dated 29 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Re: Israeli violations, attacks and activities from 15 to 21 January 2007, inclusive

Air violations

On 16 January 2007, between 1750 hours and 1805 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace and overflew Tyre at high altitude.

On 17 January 2007, between 1345 hours and 1430 hours, enemy Israeli warplanes overflew the Bent Jbail and Al-Naqoura regions at high altitude.

On the same date, between 1330 hours and 1605 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Kfar Kila in a northerly direction and circled over regions of the South. It then departed Lebanese airspace over Kfar Kila.

On the same date, at 1810 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Rmaich in a northerly direction and circled over the South, Beirut and Jbail. It then departed Lebanese airspace on 18 January 2007 at 0210 hours over the sea off Al-Naqoura.

On 18 January 2007 between 0815 hours and 1430 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab and circled over regions of the South. It then departed Lebanese airspace over Rmaich.

On the same date, between 1340 hours and 1630 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aaitaroun and circled over the South region. It then departed Lebanese airspace over the sea off Al-Naqoura.

On 19 January 2007, between 0810 hours and 1205 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over regions of the South. It then departed Lebanese airspace over Aalma al-Chaab.

On the same date, between 1200 hours and 1600 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Al-Naqoura and circled over regions of the South. It then departed Lebanese airspace over Al-Naqoura.

On the same date at 2332 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Beirut in an easterly direction and circled over areas of Beirut and its suburbs. It then departed Lebanese airspace on 20 January 2007 at 0030 hours over the sea off Al-Naqoura.

On 21 January 2007, between 1909 hours and 2310 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab and circled over the South region. It then departed Lebanese airspace over Aalma al-Chaab.

Field violations

On 17 January 2007, between 0015 hours and 0030 hours, enemy Israeli forces launched two flare bombs from inside occupied Palestinian territory over the Lebanese-Palestinian border opposite the town of Blida.

On 19 January 2007, at 1000 hours, enemy Israeli forces proceeded to cut down trees around the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands. They were transported by truck into occupied Palestinian territory.

On 21 January 2007, at 1959 hours, enemy Israeli forces launched two flare bombs over the Blue Line across from the towns of Ramiye and Marouahine.

Israeli activities

On 15 January 2007, between 1140 hours and 1300 hours, enemy Israeli forces proceeded intermittently to strafe the area around their outpost at Sammaqa inside the occupied Shab'a farmlands with medium and light machine guns.

On 16 January 2007, between 1200 hours and 1400 hours, the sound of several bursts of light-weapons fire was heard from inside the occupied Shab'a farmlands.

On 17 January 2007, between 1000 hours and 1100 hours, Israeli vehicles were heard moving between the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands.

On the same date, between 1735 hours and 1745 hours, inside occupied Palestinian territory opposite Ras al-Naqoura, the sound of two explosions was heard and flares were spotted.

On the same date, between 1900 hours and 2100 hours, in the open sea off Ras al-Naqoura, an Israeli military launch fired four flare bombs and a flare over occupied Palestinian regional waters.

On 19 January 2007, between 1030 hours and 1100 hours, Israeli vehicles were heard moving between the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands.

On the same date, between 2000 hours and 2015 hours, enemy Israeli forces fired two flare bombs from their position in Jabal al-Tayyarat (across from the town of Ramiye) inside occupied Palestinian territory over the aforementioned position's landing strip.

On 21 January 2007, between 1745 hours and 1810 hours, the sound of medium-weapons bursts was heard between the enemy Israeli outposts in Rouaisset al-Alam and Sammaqa inside the occupied Shab'a farmlands.